

Planning and Rights of Way Panel

Tuesday, 22nd June, 2021
at 2.00 pm
PLEASE NOTE TIME OF MEETING

Guildhall

This meeting is open to the public

Members

Councillor L Harris (Chair)
Councillor Prior (Vice-Chair)
Councillor Coombs
Councillor Magee
Councillor Windle

Contacts

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PUBLIC INFORMATION

ROLE OF THE PLANNING AND RIGHTS OF WAY PANEL

The Panel deals with various planning and rights of way functions. It determines planning applications and is consulted on proposals for the draft development plan.

PUBLIC REPRESENTATIONS

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Southampton: Corporate Plan 2020-2025 sets out the four key outcomes:

- Communities, culture & homes - Celebrating the diversity of cultures within Southampton; enhancing our cultural and historical offer and using these to help transform our communities.
- Green City - Providing a sustainable, clean, healthy and safe environment for everyone. Nurturing green spaces and embracing our waterfront.
- Place shaping - Delivering a city for future generations. Using data, insight and vision to meet the current and future needs of the city.
- Wellbeing - Start well, live well, age well, die well; working with other partners and other services to make sure that customers get the right help at the right time

Dates of Meetings: Municipal Year 2020/2021

2021	
1 June	21 September
22 June	12 October
13 July	2 November
3 August	23 November
24 August	14 December

SMOKING POLICY – The Council operates a no-smoking policy in all civic buildings

MOBILE TELEPHONES:- Please switch your mobile telephones to silent whilst in the meeting

USE OF SOCIAL MEDIA:- The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair's opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council's Standing Orders the person can be ordered to stop their activity, or to leave the meeting. By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public.

Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so.

Details of the Council's Guidance on the recording of meetings is available on the Council's website.

FIRE PROCEDURE – In the event of a fire or other emergency a continuous alarm will sound and you will be advised by Council officers what action to take.

ACCESS – Access is available for disabled people. Please contact the Democratic Support Officer who will help to make any necessary arrangements.

2022	
25 January	29 March
15 February	26 April
8 March	

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Planning and Rights of Way Panel are contained in Part 3 (Schedule 2) of the Council's Constitution

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

RULES OF PROCEDURE

The meeting is governed by the Council Procedure Rules as set out in Part 4 of the Constitution.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 2.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

- (i) Any employment, office, trade, profession or vocation carried on for profit or gain.
- (ii) Sponsorship:
Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
- (iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
- (iv) Any beneficial interest in land which is within the area of Southampton.
- (v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.
- (vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.
- (vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:
 - a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
 - b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

OTHER INTERESTS

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

PRINCIPLES OF DECISION MAKING

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the "rationality" or "taking leave of your senses" principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, 'live now, pay later' and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

PLEASE NOTE

This meeting is being held in the Guildhall out of necessity to comply with Covid social distancing requirements. As many people will know it is a large space and unfortunately the acoustics for live streaming are not ideal. Every effort will be taken to ensure that members of public can view the meeting online. However, given the necessary precautions set out to try and combat the spread of Covid it is acknowledged that the sound quality may need to be compromised in order for online viewers to follow the meeting; we apologise if this causes any difficulties.

A recording of the meeting will be uploaded to the web after the meeting. Officers will continue to refine the streaming arrangements

1 APOLOGIES AND CHANGES IN PANEL MEMBERSHIP (IF ANY)

To note any changes in membership of the Panel made in accordance with Council Procedure Rule 4.3.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

3 STATEMENT FROM THE CHAIR

4 MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING) (Pages 3 - 12)

To approve and sign as a correct record the Minutes of the meetings held on 1st June 2021 and to deal with any matters arising.

CONSIDERATION OF PLANNING APPLICATIONS

5 PLANNING APPLICATION - 19/00838/OUT - BITTERNE CHURCH OFFICE - WHITES ROAD (Pages 17 - 64)

Report of the Interim Head of Planning and Economic Development recommending that the Panel delegate approval in respect of an application for a proposed development at the above address.

6 PLANNING APPLICATION - 20/00947/FUL - 50 OXFORD STREET (Pages 65 - 82)

Report of the Service Lead, Planning, Infrastructure and Development recommending that planning permission be refused in respect of an application for a proposed development at the above address.

7 PLANNING APPLICATION - 20/00024/FUL - MANSEL PARK (Pages 83 - 94)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

8 PLANNING APPLICATION - 20/01676/FUL - 248 PRIORY ROAD (Pages 95 - 110)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

9 PLANNING APPLICATION - 21/00162/OUT - ST JOHNS CHURCH (Pages 111 - 146)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

10 PLANNING APPLICATION - 20/01548/FUL - 12 MAYFLOWER ROAD (Pages 147 - 166)

Report of the Interim Head of Planning and Economic Development recommending that conditional approval be granted in respect of an application for a proposed development at the above address.

Monday, 14 June 2021

Service Director – Legal and Business Operations

Agenda Annex

COVID – 19 MEETING PROTOCOL – COUNCIL CHAMBER

GENERAL POINTS FOR ALL IN ATTENDANCE

- All attendees are expected to undertake the free Covid-19 lateral flow test within 24 hours prior to attendance at any meetings available from <https://www.gov.uk/order-coronavirus-rapid-lateral-flow-tests>
- If you are experiencing COVID-19 symptoms, have tested positive for COVID-19, or are self-isolating you must not attend the meeting.
- Please consider in advance how you will safely travel to and from the meeting. Public transport should be avoided if possible, with walking or cycling recommended where possible
- NHS Test and Trace QR code and a self-registration facility will be available for attendees.
- Hand Sanitising points will be available on entry and exit to the venue.
- Face coverings must be worn (unless an exemption applies)
- Identified seating plan will be available at the venue observing social distancing requirements.
- You will be responsible for your own refreshments while in attendance at the meeting.
- There should be no unnecessary movement around the meeting room.
- There should be no sharing of stationery, documents or other equipment.

COUNCILLORS AND OFFICERS

- All Councillors and Officers attending the meeting are strongly encouraged to take a staggered approach to arrival/departure and avoid any socialising and mixing before or after the meeting.
- A seating plan will ensure safe social distancing and seating will be labelled accordingly.
- Face coverings must be worn whilst moving to and from seating. Face coverings may be removed whilst seated.
- Microphones in the Council Chamber are free standing, there is no requirement for these to be shared or passed around.

PUBLIC/MEDIA ATTENDANCE

- Public and Media attendees are encouraged to please provide some advance notice of their intention to attend the meeting by contacting democratic.services@southampton.gov.uk or by telephoning 023 8083 2390 as we may need to review the venue to ensure we can facilitate a covid-safe meeting.
- There will be clearly defined seating areas for members of the public and media.
- Face coverings must be worn if within 2m of someone.
- Members of the public/media wishing to attend the council chamber for particular agenda items will be escorted in and out of the council chamber by a member of council staff.

It is important to note that although the impact of the COVID-19 testing and vaccination programmes has been positive, the 'Hands Face Space Fresh Air' message is still crucial. People who have been vaccinated and/or tested negative for COVID-19 must still apply COVID-safe measures such as social distancing, good hand hygiene and wearing of face coverings where required.

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PLANNING AND RIGHTS OF WAY PANEL
MINUTES OF THE MEETING HELD ON 1 JUNE 2021

Present: Councillors L Harris (Chair), Coombs, Magee, Prior and Windle

1. **ELECTION OF VICE-CHAIR**

RESOLVED that Councillor Prior be elected as Vice-Chair for the Municipal Year 2021-2022.

2. **MINUTES OF THE PREVIOUS MEETING (INCLUDING MATTERS ARISING)**

RESOLVED: that the minutes for the Panel meeting on 20 April 2021 be approved and signed as a correct record.

3. **PLANNING APPLICATION - 21/00087/FUL - NEWSPAPER HOUSE, TEST LANE**

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Demolition of existing buildings and the erection of three buildings for use as either general industrial (Use Class B2) and/or storage and distribution (Use Class B8) with ancillary office accommodation, together with associated access, parking, landscape and infrastructure works (departure from the Development Plan).

Mr Eugene McManus, Mr David Smith (local residents), Paul Shuker (agent), and Councillor McEwing (ward councillor) were present and with the consent of the Chair, addressed the meeting. In addition the Panel received a statement from Councillor Guest.

The presenting officer informed the Panel that paragraph 3.1 of the report the new floor space should read 14,678 sqm. The presenting officer also reported that there was an amendment required to the recommendation, as set out below, and noted that wording to a number of the conditions and the deletion of the condition 9, as set out below. The Panel noted that whilst cars could potentially physically turn left out of the site, the existing Traffic Regulation Order in place makes this a manoeuvre an offence. There are currently no plans in place to alter the existing Traffic Regulation Order.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the amended recommendation to delegate authority to the Service Lead: Infrastructure, Planning and Development to grant planning permission. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that the Panel:

- (1) confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.

- (2) Delegated to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure the following mitigation:
- (i) Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer
 - (ii) The submission, approval and implementation of a Travel Plan for both the commercial and residential uses to promote sustainable modes of travel in accordance with saved Policy SDP4 of the City of Southampton Local Plan Review and policies CS18 and CS25 of the adopted LDF Core Strategy.
 - (iii) Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives (for both construction and operational phases), in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - (iv) The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013)
 - (v) Provision of public art in accordance with the Council's Public Art Strategy and the Council's Developer Contributions Supplementary Planning Document.
 - (vi) Provision of on-site CCTV coverage and monitoring in line with Policy SDP10 of the City of Southampton Local Plan Review (March 2006) as supported by LDF Core Strategy policies CS13 and CS25.
 - (vii) The submission, approval and implementation of a Servicing Management Plan which includes the routing of servicing vehicles for the operation of the development.
 - (viii) The submission, approval and implementation of a Demolition and Construction Management Plan which includes details to minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary; lorry routing and timing to reduce congestion and; the use of Euro IV standard or equivalent HGVs.
 - (ix) The submission, approval and implementation of a Demolition and Construction lorry routing plan to reduce congestion.
- (3) That authority be granted to the Head of Planning and Economic Development to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary.
- (4) That in the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Head of Planning and Economic Development be granted authority to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Amended Conditions

4. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works, excluding site clearance, demolition and preparation works, a revised detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, external lighting, structures and ancillary objects (refuse bins etc.);
- (ii) planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules plants, noting species, plant sizes and proposed numbers/planting densities where appropriate to include feather and whip planting within the landscape area to the west of units 1 and 2 and climbing plants to screen service yard security fencing;
- (iii) An accurate plot of all trees to be retained and to be lost together with 1219 replacements, hedgerow planting and a greater variety of native trees species and to include large tree species;
- (iv) details of any proposed boundary treatment, including retaining walls and;
- (vi) a landscape management scheme which includes a woodland management plan for retained and replacement trees and vegetation on the site which shall ensure replacement and existing hedgerow be maintained at a height of between 2 and 3 metres and a cutting regime which shall avoid cutting of hedgerows within the site.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for following its complete provision, with the exception of boundary landscaping which shall be retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

REASON: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

17. Demolition and Construction Management (Pre-commencement)

Before any development or demolition works are commenced, a Demolition and Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority which shall include details of:

- a) Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface run off) is able to enter the water.

- b) Details on the storage and disposal of waste on site
- c) Details on how sediment/concrete/other debris that may be accidentally released during construction will be captured to prevent entering the water
- d) Details of Biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters.
- e) parking of vehicles of site personnel, operatives and visitors;
- f) loading and unloading of plant and materials;
- g) details of cranes and other tall construction equipment (including the details of obstacle lighting)
- h) details of temporary lighting
- i) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- j) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- k) measures to be used for the suppression of dust and dirt throughout the course of construction as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site boundary
- l) The use of Euro IV standard or equivalent HGVs to minimise pollution
- m) details of construction vehicles wheel cleaning; and,
- n) details of how noise emanating from the site during construction will be mitigated.

The approved Demolition and Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

REASON: In the interest of air quality, local water courses, the health and safety, protecting the amenity of local land uses, neighbouring residents, and the character of the area and highway safety.

Cycle storage facilities (Pre-Use)

Before the development hereby approved first comes into occupation, details of secure and covered storage to achieve the maximum number of Development Plan spaces for bicycles shall be submitted to and approved in writing by the Local Planning Authority. The details shall include both visitor and staff cycle storage. The cycle storage together with the associated shower and changing facilities shall be provided in accordance with the approved details before each unit first comes into use. The storage and facilities shall be thereafter retained as approved for the lifetime of the development.

REASON: To encourage cycling as an alternative form of transport.

4. **PLANNING APPLICATION - 20/01235/FUL - 93 - 99 BELGRAVE ROAD**

The Panel considered the report of the Head of Planning and Economic Development recommending that conditional planning permission be granted in respect of an application for a proposed development at the above address.

Use of site for recycling of metals including erection of workshop building and use of land for siting of temporary offices.

Dr Devine, Mr Hanna (local residents objecting), David Jobbins (agent), Robert Clarke (supporter) and Councillor Savage (ward councillor) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported the Hampshire Fire and Rescue Services had stated that they had no objection to the application. The City's scientific officer had also raised no objection to use of an oxyacetylene torch. The presenting officer reported amendments to the conditions 7, 13, 14 and 19, and an additional condition that would restrict vehicle movements as set out below.

The Panel requested and officers agreed that additional conditions be added to the report that would deal with ventilation, onsite storage, hours of work for demolition/clearance and construction and refuse and Recycling, as set out below.

The Panel then considered the recommendation to grant conditional planning permission with the amended and additional conditions. Upon being put to the vote the recommendation was carried unanimously.

RESOLVED that planning permission be approved subject to the conditions set out within the report and any additional or amended conditions set out below.

Amended Conditions

7 Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:

Monday to Friday 08:30 – 18:00.

And shall not operate during public holidays.

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

13 Noise Report - Full compliance. (Performance)

The development hereby approved will be carried out in full accordance with the noise impact assessment, Technical report R8796-1 rev 1 Dated February 2021 including maximum noise levels generated, all recommendations, equipment and working practices for the lifetime of the development. For the avoidance of doubt the recommendations and working practices include:

- Re-orientation of bays and uses within the site (agreed as set out on the amended plans);
- Erection of a 6m high acoustic barrier within the site which will fully eliminate line of sight between the offloading/working area and all receptors in Roxan Mews; and shall be constructed from an impervious material with a surface density no less than 12 kg/m².
- Provision of acoustic insulation within workshop building.
- A commitment to keep doors and windows to the workshop closed when plant is operated internally;
- No recycling of end of life vehicles; and
- Offloading of products into the reception bay will need to be undertaken with care and in accordance with a noise management plan which will include unloading by hand or a crane/material handler fitted with a clamshell grab only.

REASON: To protect the amenities of nearby residents.

14 Noise management plan (Pre-occupation)

Prior to the occupation of the site a noise management plan, listing methods to reduce noise generation at the site, shall be submitted to and approved in writing by the local planning authority. All staff members, prior to starting their employment, shall be made aware of the noise management plan and the metal recycling operations on site shall be carried out in accordance with the plan throughout the lifetime of the development.

The plan will include details of, but not be exclusively limited to, the points listed below:

- The method of careful offloading of products into the reception bay by hand or a crane/material handler fitted with a clamshell grab.
- Metal articles must be carefully lowered to the ground or into storage containers when using the crane/material handler fitted with a clamshell grab and shall at no time be dropped from height.
- At no time shall metal articles be thrown onto the floor, into piles, bins, skips or any other storage container.
- The specification of acoustic insulation required within the workshop building.
- No idling of vehicles when not in use.
- No use of angle grinders.
- No external storage outside of the designated bays of any materials not held within a container.

REASON: In the interests of local visual amenity including amenities enjoyed by nearby residents.

19 Dust Suppression (Performance)

During times of dry weather, and when metal articles arrive on site which bring with them dust that could be blown off site whilst being processed, dust suppression measures shall be used to prevent dust from leaving the site which unless otherwise agreed in writing shall be achieved by dampening metal articles with water prior being unloaded onto site.

REASON: To prevent dust from being transferred from the site onto adjacent sites and; in particular, to protect the amenities enjoyed by the occupiers of adjacent residential properties.

Additional Conditions

Restricted vehicle movements (trip number & vehicle size restriction) (performance)

Restricted vehicle movements (trip number & vehicle size restriction) (performance)

No more than 4 trips (2 in, 2 out) shall be made by heavy goods vehicles, with 'heavy' being defined as any vehicle larger than 3.5 tonnes or with more than 2 axels, for the purposes of the bulk delivery of metal articles in association with permission hereby approved.

No vehicles exceeding 26 tonnes, or which are articulated; or which have more than 3 axels, shall enter the site or service/deliver to/from the site in association with the permission hereby approved.

REASON: As a means of limiting the scale of operation owing the information provided and in the interests of the amenities of the neighbouring residential occupiers.

Extract Ventilation (Pre-Commencement)

The use of any extract ventilation systems within the workshop building shall not take place until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The mechanical ventilation of the building shall thereafter be carried out in accordance with agreed written scheme throughout the lifetime of the development.

REASON: To protect the amenities of the occupiers of existing nearby properties.

Onsite storage limitation (Performance)

At no time shall the site be used for the storage of caravans or mobile homes, vehicles not associated within the hereby approved business, end of life vehicles, or vehicle parts including tyres; and at no time shall vehicle batteries be stored outside of the workshop building.

REASON: In the interests of limiting the operation and scale of operation on site to protect the amenities of the occupiers of existing nearby properties.

Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:30 to 18:00 hours

And at no time on weekends and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of the occupiers of existing nearby residential properties.

Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling (not metal) shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

REASON: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

5. PLANNING APPLICATION - 21/00044/OUT - 60A THE AVENUE

The Panel considered the report of the Head of Planning and Economic Development recommending delegated authority be granted in respect of an application for a proposed development at the above address.

Redevelopment of the site. Erection of a 2.5-storey building containing 6 flats (3 x 2-bed, 3 x 1-bed) with associated parking and cycle/refuse storage (Outline application seeking approval for Access, Appearance, Layout and Scale) (Resubmission 20/01054/OUT) (Amended).

John Langram (local resident/ objecting), Adi Paplambu (agent), and Councillors Shields and Leggett (ward councillors) were present and with the consent of the Chair, addressed the meeting. In addition a statement from Mr David Parker was read to the Panel.

The presenting officer reported that questions had been raised in regard to the right of access to the site and noted that the recommendation would be dependent on the results of a bat survey.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the recommendation to delegate authority to the Head of Planning and Economic Development to grant planning permission. Upon being put to the vote the recommendation was lost.

A further motion to refuse planning permission for the reasons set out below was then proposed by Councillor L Harris and seconded by Councillor Prior.

RECORDED VOTE to refuse planning permission.

FOR: Councillors L Harris, Prior, Magee and Windle

AGAINST: Councillor Coombs

RESOLVED to refuse planning permission for the reasons set out below:

Reasons for Refusal:

Reason 1 - Overdevelopment

Whilst recognising the applicant's proposed reuse of previously developed land the nature of proposed site redevelopment in relation to its local context and character is, in the opinion of the Local Planning Authority, symptomatic of an overdevelopment and over-intensive use of the site by reason of:-

- i. An excessive net residential density level which is significantly above adopted Policy and the required density range of housing for this location and context; -
- ii. The overspill street parking impact from a development with limited on-site private car parking would adversely harm the residential amenity of local residents being able to conveniently park close to their homes by displacing the availability of kerbside parking spaces and increasing the burden on existing residents to enforce parking within nearby private roads;
- iii. Three flats fall short of the minimum internal floorspace standards set out in the Nationally Described Space Standards (March 2015) and therefore will create poor living conditions for future residents.

As such, the proposal would prove contrary to saved policies SDP1(i), SDP7, HE1 of the Local Plan Review (amended March 2015) and CS5, CS14, CS18, CS19 of the Core Strategy (amended March 2015) as supported by the relevant guidance set out in the Council's Parking Standards Supplementary Planning Document (2011), the adopted Residential Design Guide Supplementary Planning Document (Adopted 2006) as supported by The Avenue Conservation Area Appraisal & Management Plan (2013).

Reason 2 – Bat Survey

The bat emergence survey submitted does not adequately assess whether there is any potential adverse harm to protected bat species as the result of the building demolition and therefore the proposed development could cause unacceptable harm to protected species and prove contrary to saved policy NE4 of the Local Plan Review (amended March 2015) and policy CS22 of the Core Strategy (amended March 2015).

Reason 3 – Lack of Section 106 or unilateral undertaking to secure planning obligations

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas:

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer;
- iii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010; and,

- iv. A restriction that residents of the scheme will be informed of the Council's policy that no parking permits for the surrounding streets be allocated for the future occupants of the development.

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INDEX OF PLANNING APPLICATIONS FOR DECISION

DATE: 22nd June 2021 - 2pm The Guildhall

Please note:

That the numbers of seats have been limited within the Guildhall in line with Public Health guidelines and that timings are estimated Members of public are advised to attend in advance of these estimated timings. Members of public are advised to arrive in good time allowing for potential variation to the timings.

Members of public wishing to speak must register in advance with the Panel clerk by emailing democratic.services@southampton.gov.uk

Main Agenda Item Number	Officer	Recommendation	PSA	Application Number / Site Address
2:00pm – 3:00pm (approximately)				
5	MP	DEL	15	19/00838/OUT Bitterne Church Office – Whites Rd
3:00pm – 3:30pm (approximately)				
6	MT	REF	5	20/00947/FUL 50 Oxford St
3:30pm- 4:00pm (approximately)				
7	JF/RS	CAP	5	20/00024/FUL Mansel Park
4:00pm – 4:30pm (approximately)				
8	MP	CAP	5	20/01676/FUL 248 Priory Rd
4:30pm – 5:00pm (approximately)				
9	SB	DEL	5	21/00162/OUT St Johns Church
5:00pm -close of meeting (approximately)				
10	AC	CAP	5	20/01548/FUL 12 Mayflower Road

PSA – Public Speaking Allowance (mins); CAP - Approve with Conditions: DEL - Delegate to Officers: PER - Approve without Conditions: REF – Refusal: TCON – Temporary Consent: NOBJ – No objection

Case Officers:

MP	Mat Pidgeon	MT	Mark Taylor
JF	John Fanning	RS	Rob Sims
SB	Stuart Brooks	AC	Anna Coombes

Southampton City Council - Planning and Rights of Way Panel

Report of Service Lead – Planning, Infrastructure & Development

Local Government (Access to Information) Act 1985

Index of Documents referred to in the preparation of reports on Planning Applications:

Background Papers

1. **Documents specifically related to the application**
 - (a) Application forms, plans, supporting documents, reports and covering letters
 - (b) Relevant planning history
 - (c) Response to consultation requests
 - (d) Representations made by interested parties

2. **Statutory Plans**
 - (a) Hampshire, Portsmouth, Southampton and New Forest National Park Minerals and Waste Plan (Adopted 2013)
 - (b) Amended City of Southampton Local Plan Review (Adopted March 2015)
 - (c) Connected Southampton 2040 Transport Strategy (LTP4) adopted 2019.
 - (d) Amended City of Southampton Local Development Framework – Core Strategy (inc. Partial Review) (adopted March 2015)
 - (e) Adopted City Centre Action Plan (2015)
 - (f) Community Infrastructure Levy Charging Schedule (2013)
 - (g) Bassett Neighbourhood Plan (Adopted 2016)

3. **Statutory Plans in Preparation**

4. **Policies and Briefs published and adopted by Southampton City Council**
 - (a) Old Town Development Strategy (2004)
 - (b) Public Art Strategy
 - (c) North South Spine Strategy (2004)
 - (d) Southampton City Centre Development Design Guide (2004)
 - (e) Streetscape Manual (2005)
 - (f) Residential Design Guide (2006)
 - (g) Developer Contributions SPD (September 2013)
 - (h) Greening the City - (Shoreburs; Lordsdale; Weston; Rollesbrook Valley; Bassett Wood and Lordswood Greenways) - 1985-1995.
 - (i) Women in the Planned Environment (1994)
 - (j) Advertisement Control Brief and Strategy (1991)
 - (k) Biodiversity Action Plan (2009)
 - (l) Economic Development Strategy (1996)

- (m) Test Lane (1984)
- (n) Itchen Valley Strategy (1993)
- (o) Portswood Residents' Gardens Conservation Area Character Appraisal (1999)
- (p) Land between Alder Moor Road and Worston Road Development Brief Character Appraisal(1997)
- (q) The Bevois Corridor Urban Design Framework (1998)
- (r) Southampton City Centre Urban Design Strategy (2000)
- (s) St Mary's Place Development Brief (2001)
- (t) Ascupart Street Development Brief (2001)
- (u) Woolston Riverside Development Brief (2004)
- (v) West Quay Phase 3 Development Brief (2001)
- (w) Northern Above Bar Development Brief (2002)
- (x) Design Guidance for the Uplands Estate (Highfield) Conservation Area (1993)
- (y) Design Guidance for the Ethelburt Avenue (Bassett Green Estate) Conservation Area (1993)
- (z) Canute Road Conservation Area Character Appraisal (1996)
- (aa) The Avenue Conservation Area Character Appraisal (2013)
- (bb) St James Road Conservation Area Character Appraisal (1996)
- (cc) Banister Park Character Appraisal (1991)*
- (dd) Bassett Avenue Character Appraisal (1982)*
- (ee) Howard Road Character Appraisal (1991) *
- (ff) Lower Freemantle Character Appraisal (1981) *
- (gg) Mid Freemantle Character Appraisal (1982)*
- (hh) Westridge Road Character Appraisal (1989) *
- (ii) Westwood Park Character Appraisal (1981) *
- (jj) Cranbury Place Character Appraisal (1988) *
- (kk) Carlton Crescent Character Appraisal (1988) *
- (ll) Old Town Conservation Area Character Appraisal (1974) *
- (mm) Oxford Street Conservation Area Character Appraisal (1982) *
- (nn) Bassett Green Village Character Appraisal (1987)
- (oo) Old Woolston and St Annes Road Character Appraisal (1988)
- (pp) Northam Road Area Improvement Strategy (1987)*
- (qq) Houses in Multiple Occupation (revised 2016)
- (rr) Vyse Lane/ 58 French Street (1990)*
- (ss) Tauntons College Highfield Road Development Guidelines (1993)*
- (tt) Old Woolston Development Control Brief (1974)*
- (uu) City Centre Characterisation Appraisal (2009)
- (vv) Parking standards (2011)

* NB – Policies in these documents superseded by the Residential Design Guide (September 2006, page 10), albeit character appraisal sections still to be had regard to.

5. Documents relating to Highways and Traffic

- (a) Hampshire C.C. - Movement and Access in Residential Areas
- (b) Hampshire C.C. - Safety Audit Handbook
- (c) Cycling Strategy – Cycling Southampton 2017-2027
- (d) Southampton C.C. - Access for All (March 1995)

- (e) Institute of Highways and Transportation - Transport in the Urban Environment
- (f) I.H.T. - Traffic Impact Assessment Guidelines
- (g) Freight Transport Association - Design for deliveries
- (h) Department for Transport (DfT) and Highways England various technical notes
- (i) CIHT's Manual for Streets and Manual for Streets 2

6. Government Policy Planning Advice

- (a) National Planning Policy Framework (February 2019)
- (b) National Planning Policy Guidance Suite

7. Other Published Documents

- (a) Planning for Daylight and Sunlight - DOE
- (b) Coast and Countryside Conservation Policy - HCC
- (c) The influence of trees on house foundations in clay soils - BREDK
- (d) Survey and Analysis - Landscape and Development HCC
- (e) Root Damage to Trees - siting of dwellings and special precautions – Practice Note 3 NHDC
- (f) Shopping Policies in South Hampshire - HCC
- (g) Buildings at Risk Register SCC (1998)
- (h) Southampton City Safety Audit (1998)
- (i) Urban Capacity Study 2005 – 2011 (March 2006)
- (j) Strategic Housing Land Availability Assessment (March 2013)

Agenda Item 5

Planning and Rights of Way Panel 22nd June 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: Bitterne Parish Church Office, Whites Road, Southampton			
Proposed development: Outline application for the redevelopment of the site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion (layout and access only all other matters reserved) (departure from local plan) (amended description following amended plans).			
Application number:	19/00838/OUT	Application type:	Outline
Case officer:	Mathew Pidgeon	Public speaking time:	15 minutes
Last date for determination:	29/06/2021. (ETA)	Ward:	Peartree
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr J Payne Cllr Bell Cllr Houghton
Referred to Panel by:	Former Cllr Keogh	Reason:	Owing to the number of objections raised, particularly in relation to highways impact.
Applicant: Mr M Cranston		Agent: Studio Four Architects Ltd	

Recommendation Summary	Delegate to Service Lead – Infrastructure Planning & Development to grant planning permission subject to criteria listed in report.
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission.

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including housing need, impact on neighbouring amenity, trees/ecology, on street car parking pressure and open space provision have been considered and are not judged to have sufficient weight to justify a refusal of the application. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS21, CS22 and CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP11, SDP12, SDP13, SDP14, SDP16, SDP17, SDP22, HE3, HE6 H1, H2, H7 and REI5 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Habitats Regulation Assessment	2	Development Plan Policies
3	Relevant Planning History	4	Viability Appraisal

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.

2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 Legal Agreement to secure:
 - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
 - ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
 - iii. Submission of a construction traffic management plan to ensure that construction traffic causes minimal potential congestion on the local highway network.
 - iv. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013) including an Affordable Housing Viability Review Clause reflective of the DVS appraisal.
 - v. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
 - vi. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
 - vii. Either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
 - viii. Provision of a Multi-Use Games Area (MUGA) to be managed through a community use agreement to mitigate against the loss of playing pitches (bowling green and ball court) on the site.

- ix. A plan for tree replacement to mitigate the loss of trees in connection with the Development.

3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the legal agreement is not completed within a reasonable period following the Panel meeting, the Service Lead-Infrastructure, Planning & Development be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

Background

The applicants have indicated that this scheme would represent 'enabling' development to assist in funding the church extension to Holy Saviour Church, approved under permission 19/00123/FUL although this does not form part of the planning assessment.

The overall project seeks to rationalise the site, bringing all activity spaces together onto the Holy Saviour Church site and making land which is now surplus to requirements available for housing development.

This application has evolved following engagement with the Diocese, Methodist Church, local Councillors, local community and the Local Planning Authority as part of the strategic review of options for this site.

Amended plans have been received following the initial submission which have reduced the scale of the housing from three to two-storeys and a flatted block comprising 15 flats has been replaced with five x 2 bed dwellings. The layout of the site has also changed with internal road and parking improvements having been made. The orientation of one of the houses on the entrance to the site has also been swapped; the houses having been turned through 180 degrees and now fronts Whites Road.

The development triggers the need for a Section 106 legal agreement to secure financial contributions to mitigate the impact of the development. A viability appraisal has been carried out on the scheme which has confirmed that an affordable housing contribution would fail to make the proposal viable. The current affordable housing viability / development completion deadline is February 2022 and therefore if the scheme is not completed by this date a new viability appraisal will be required.

1 The site and its context

- 1.1 The site has an area of 1.01 hectares and is located within Bitterne, situated between the residential area to the south and the District Centre to the north-west. Directly north-west of the church site is a large surface car park behind Sainsbury's supermarket; to the south-west the houses of Brownlow Avenue back onto the site and to the south-east and north-west the site is bounded by Whites Road and Bursledon Road respectively.
- 1.2 The site is directly to the south-east of the Holy Saviours Church and its associated graveyard. Holy Saviours Church dates from 1853 and is grade II listed. The main church was extended in the 1990's to the south with a single storey meeting room.

- 1.3 The site comprises the following elements:
- Holy Saviours Church vicarage and garden.
 - Holy Saviours Church parish hall with its associated dedicated car parking area.
 - The Wesley Centre also with its own associated/dedicated car parking.
 - A disused bowling green with small ancillary buildings.
 - A ball court.
- 1.4 The Wesley Centre dates from the 1970's. The Wesley Centre was constructed to accommodate a separate Methodist Church congregation. The building is single storey and accommodates a large congregation/worship hall, a large multi-purpose room and several smaller meeting rooms. Until relatively recently the Wesley Centre was also used by the Parish Church as additional hall/office accommodation however all church activities now take place within Holy Saviours church. The building is currently in poor repair and would require significant investment to allow it to be properly used again.
- 1.5 Vehicular access to the Vicarage, Parish Hall and the Wesley Centre are all achieved from Whites Road via two separate access points. Access to the Vicarage can also be achieved from Bursledon Road. All accesses into the site are achieved along private un-adopted tracks. There is a route through the site which leads from the access to the Vicarage (from Bursledon Road) to the car park serving the Wesley Centre. The route passes between the bowling green and the Vicarage. The route is not, however, a public right of way.
- 1.6 There are 9 dedicated parking spaces serving the Parish Hall and there are 20 dedicated car parking spaces serving the Wesley Centre. The access and car park serving the Wesley Centre is also used to access the Vicarage. The car park is regularly used as a pedestrian short cut from Whites Road to the car park in Angel Crescent although it is not defined as a right of way.
- 1.7 The Parish Hall is a single storey 1950's building accommodating a large multi-purpose space, kitchen and storage. The building, whilst structurally sound, would also require significant investment to allow it to be properly used again. Located behind the Parish Hall is the former bowling green which was regularly used until 2016 when the bowling club moved off site. The green was not competition standard in terms of size and had been damaged by nearby trees. Adjacent to the green is the tarmac ball court enclosed by chain-link fencing and has seen little use in recent years.
- 1.8 A defining characteristic of the site are large mature trees and other soft landscape features. Of the 109 trees on the site only 15 are not covered by tree preservation order.

2 Proposal

- 2.1 The application seeks outline approval for matters of access and layout with details of appearance, scale and landscaping reserved. The proposal seeks redevelopment following the demolition of the Parish Hall and the Wesley Centre; reconfiguring the ball court, re-providing car parking for the church (28 spaces) with new access from Bursledon Road; and constructing 15 houses with vehicular access from Whites Road. In total 30 car parking spaces will be provided to serve the 15 houses. Parking for the Vicarage will remain unchanged.

- 2.2 The layout results in the felling of 20 trees. 10 of these are due to building constraints and 10 are due to their poor condition. Of the 20 trees, 8 are covered by tree preservation orders.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 The scheme follows planning permission for an extension to Holy Saviours Church which gained approval in March 2019 (19/00123/FUL).
- 4.2 The planning history for the site includes the construction and minor alteration of buildings positioned on site along with the erection of floodlight poles within the ball court in 1993 and car parking alterations in 1968. The current application represents the first proposal for significant layout, use and building construction works on site since the planning records began.
- 4.3 A schedule of the planning history for the site is set out in **Appendix 3** of this report.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement 31.05.2019 and erecting a site notice 29.05.2019. At the time of writing the report 60 representations have been received (**30 objections, 30 in support [including city of Southampton society]**) The following is a summary of the points raised:

IN SUPPORT:

- 5.2 **Approval would facilitate the extension of the church and re-provide a fit for purpose facility which can be used by various community groups as well as groups directly associated with Church.**

- 5.3 **Low density family housing with gardens and off-road car parking areas are in keeping with local character and the street scheme of Whites Road.**
- 5.4 **Mature trees are retained on site.**
Response - 20 trees in total will need to be felled out of a total number of 109 trees on site; 8 of the 20 to be felled are covered by tree preservation orders. This is a relatively small percentage of overall tree cover on the site and where possible the scheme has been designed to limit its impact on existing protected trees. Appropriate conditions will be added.
- 5.5 **The community facilities including ball court are subject to antisocial behaviour and are in a poor state of repair. The proposal will allow modernisation resulting in community facilities that are fit for their intended purpose.**
- 5.6 **Good Design with low visual impact**
Response - External Appearance is a reserved matter and is therefore not being assessed as part of the planning application. Whilst scale is also a reserved matter the proposed two storey scale is deemed acceptable in principle.
- 5.7 **In keeping with listed building.**
- 5.8 **Housing compliments and underpins the proposals for the redevelopment.**
Response – Not a material planning consideration.
- 5.9 **Increase safety and security of the vicarage.**
- 5.10 **Makes good use of previously developed land.**

AGAINST

- 5.11 **Overdevelopment of the site and wider area/proposed residential density is too high.**
Response - The density of the development (15 dwellings per hectare) is acceptable. Each dwelling has adequate garden space and suitable space for refuse, cycle and car parking. National Planning Policies encourage efficient use of previously developed land.
- 5.12 **Objection to the change from ball court to parking area (already sufficient car parking in the area, loss of community sports area, since its original construction the ball court has halved in size [some being sold for construction of the adjacent garage]). The existing ball court will also be reduced in size (approximately 50%).**
Response - A community use agreement between the Church and SCC will be required (secured by legal agreement) to ensure that a sports pitch/ball court (MUGA) is maintained so that it can be used more frequently/intensively than it is currently.
- 5.13 **3 storey block of flats would not blend in with the surrounding area.**
Response – The plans have been amended resulting in no three storey properties being proposed as well as there no longer being any no flatted blocks proposed.
- 5.14 **Increase the vehicle traffic flow in the surrounding area; in particular Whites Road and Bursledon Road).**

Response – It is not considered that the proposed development will have significant impact on the local highway network. Objections have not been received from the Highways Team.

5.15 **Parking pressure (including from visitors).**

Response – The proposed level of parking provided for each dwelling is deemed to be acceptable and appropriate given location and size of the housing. The Council also has maximum parking standards; and owing to the distance to Bitterne District Centre, where there are numerous public transport points, it is also not necessary to own a car to access public amenities necessary for day to day living.

5.16 **Reduced highways safety.**

Response - Provided that vehicle drivers behave reasonably there should not be a significant impact on highways safety.

5.17 **Air pollution.**

Response - Air pollution is controlled by separate legislation.

5.18 **Housing backing onto residential properties fronting Whites Road – privacy concerns.**

Response - 3 storey houses have been removed/replaced by 2 storey housing to reduce impact. Separation distances between the proposed houses and existing houses on Whites Road achieve the separation distances required by the Residential Design Guide (21m for two storey buildings backing onto one another). It is however important to note that there would also be a new landscaped buffer between the properties.

5.19 **Housing backing onto residential properties – shadowing concerns.**

Response – Owing to separation distances and juxtaposition with neighbouring properties, and in particular due to the orientation, the proposed dwellings are not expected to cause significant impact on neighbouring amenity in terms of over shadowing. Shadow diagrams accompany the application.

5.20 **Housing backing onto residential properties fronting Whites Road – reduced housing value.**

Response - Not a material planning consideration.

5.21 **Additional noise.**

Response - Provided that residents behave reasonably there should not be a significantly harmful impact. Furthermore, a community use agreement will include restrictions to mitigate and control noise impacts arising from the proposed community facilities.

5.22 **Impact on ecology.**

Response - The scheme has been supported by the Council's Ecologist. There are ecological mitigation measures proposed which will need to be controlled by condition.

5.23 **Impact on trees; including from accidental; and purposeful damage during construction.**

Response - The Council's Tree Officer supports the proposal. The development will need to be carried out in accordance with relevant planning conditions.

Developers can be prosecuted for unauthorised damage and removal of protected trees. The Council's Planning Enforcement Team and Tree Team rely upon the public to inform them of unauthorised work; including to trees. There are only 15 trees on site that are not covered by the tree preservation order.

5.24 Effect on/of Bitterne Police Station site.

Response - The police station site is currently unoccupied. Potential future development cannot be considered in the assessment of this application. Each application must be considered in its own merits. The police station site does not have a planning consent or site allocation that would be prejudiced by the proposed development.

5.25 Will there be an affordable housing provision?

Response – No. Affordable housing viability has been tested, the conclusion of which is that the scheme is not viable if it includes the provision of affordable housing.

5.26 Is there protection against multiple occupation?

Response – Southampton has a citywide article 4 direction which requires Planning permission for the change of use from a Class C3 dwelling house to a Class C4 HMO where between three and six unrelated people share a kitchen and/or a bathroom.

5.27 Concerns over the alterations to the existing public right of way across the site.

Response – There is not a formal right of way across the site although it is clear that the public do currently enjoy informal access across the site from north to south and via which a short cut is achieved from Whites Road to Angel Crescent (also achieved by walking through the graveyard).

Consultation Responses

5.28 SCC Planning Policy - It is anticipated that sports facilities in this part of the city (Peartree) will be under the minimum standard as per the 1ha per 1,000 of the population in the Green Spaces Strategy (although have noted Sport England won't object since this is a local facility that doesn't provide a city wide catchment) and there is also a below average amount of open space overall in the Peartree ward (and sports pitches) when looking at the 2015 Open Space Study. The Policy Team would expect a proposal to either retain a reasonable amount of on-site open space which would be of wider benefit and usable to the residents it would serve or for it to be re-provided elsewhere.

5.29 SCC Open Spaces - Looking at the history of this site, the tennis court and bowling green area was allotment gardens in the 1890's it then became tennis courts in the 1930's and later became a bowling green and tarmacked tennis courts. So as far as I can see it has been used by the community since at least 1890 (over 120 years). The fencing around the courts has been in poor repair for many years and as far as I can see there has been no unhindered use for a number of years.

5.30 Given there will be a net increase in population and that the dwellings are proposed to be family houses there will be an increased burden of the limited open space available in the Bitterne area.

- 5.31 No objection is raised provided that a MUGA is provided on site which is accessible by the public and controlled by community use agreement set out in the Section 106 legal agreement and suitable planning conditions.
- 5.32 **SCC Highways** - The principle of development in terms of its nature in this location is considered acceptable. Conditions will be needed to resolve the following points:
- 5.33 Whites Road Access: There is some concern over the access at busy times when traffic is backed up from the traffic lights on Bursledon Road however keep clear signs can be secured under the legal agreement (site specific highways works) to overcome this. A condition is needed to secure sightlines for pedestrians and vehicles.
- 5.34 Bursledon Road Access: The access has been improved and is now acceptable as amended plans have moved it further north. Again, a condition is needed to secure sightlines.
- 5.35 Parking: The number of residential parking spaces proposed (2 spaces for each house and 4 x visitor spaces) is policy compliant. The 28 proposed parking spaces for use by the church complies with the parking standards SPD.
- 5.36 Internal Road Layout: The re-submitted plans address the previous concerns regarding width of access and sufficient internal road layout space for refuse vehicle access.
- 5.37 Cycle Parking: Storage will need to comply with the Parking SPD, 2011 in terms of quantum and design.
- 5.38 **SCC Ecology** – No objection in principle however the proposed mitigation needs to be improved. Apply recommended conditions.
- 5.39 Bats: Emergence surveys have been undertaken. No bat roosts were found but foraging activity by was recorded. The reduction in the extent of available bat foraging habitat will need to be mitigated. In addition, any external lighting should be carefully designed to ensure that it doesn't illuminate surrounding vegetation.
- 5.40 Reptiles: A survey has been undertaken and a low population of slow worm was recorded. Mitigation measures proposed are through use of two of the new gardens. It is not possible to guarantee the retention of suitable habitat in these gardens in the longer term and the proposed mitigation is therefore not acceptable. Slow worm mitigation needs to be delivered on areas that will remain within the control of the church. Detailed mitigation proposals set out in a biodiversity mitigation plan are required.
- 5.41 **SCC Trees** – If minded to grant consent, updates to the Arboricultural Impact Assessment and Method Statement along with a detailed landscape plan will be required in addition to the recommended tree protection conditions.
- 5.42 **SCC Employ** - An Employment and Skills Plan is required. An obligation will be sought via the S.106.

- 5.43 **SCC Flooding** – Insufficient information in relation to the management of surface water at the site has been provided however if the case officer is minded to approve the application conditions are recommended to overcome the concerns raised.
- 5.44 **SCC Sustainability Team** – No objection subject to conditions.
- 5.45 **SCC Archaeology** - The archaeological potential of the site is unknown due to a lack of formal archaeological fieldwork in the area. However, given the large size of the site (total area 1.05 hectares), it is appropriate to carry out an archaeological investigation to mitigate damage to possible archaeological deposits. The archaeological investigation will take the form of a watching brief on the groundworks, with provision to excavate if archaeological deposits are uncovered. Groundworks includes all level reductions, foundations, services/soakaways, etc.
- 5.46 **SCC Environmental Health (Pollution & Safety)** – No objection, apply recommended conditions.
- 5.47 **SCC Environmental Health (Contaminated Land)** - The subject site is located on/adjacent to the following existing and historical land uses - Garage (Adj to NE) – which is associated with potential land contamination hazards. Accordingly apply recommended conditions.
- 5.48 **Sport England** – No objection. The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.
- 5.49 **Southern Water** – No objection subject to recommended conditions and informatives.

6 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this planning application are:
- The principle of development;
 - Design and effect on character;
 - Residential amenity;
 - Parking highways and transport;
 - Loss of open space
 - Air Quality and the Green Charter;
 - Trees and Ecology;
 - Mitigation of direct local impacts; and
 - Likely effect on designated habitats.

Principle of Development

- 6.2 The NPPF introduces a presumption in favour of sustainable housing development and the use of previously developed land. Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. In particular policy H2 of the

Local Plan encourages the maximum use of derelict, vacant and underused land for residential development.

- 6.3 Policy CS16 of the Core Strategy requires the provision of 30% family homes within new developments of ten or more dwellings. The policy goes on to define a family home as that which contains 3 or more bedrooms with direct access to private and useable garden space that conforms to the Council's standards. The proposal incorporates 10 family units with acceptable private garden space and, as such, accords with this policy (equates to 66%).
- 6.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50 - 100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 15 d.p.h which, whilst falls below the range set out above, needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.5 Whilst the proposed density is 15 dwellings per hectare the scheme is judged to be compliant with policy CS5 given the character of the immediate local area; any more development proposed on the site is likely to result in the removal of additional protected trees and also result in the loss of car parking spaces and open space. The chosen design and quantum of development is sensitive to this context and acceptable in that respect.
- 6.6 It is also noted that the City has a housing need; as detailed in Policy CS4, whereby an additional 16,300 homes need to be provided within the City between 2006 and 2026 and the proposal will help to achieve this target.
- 6.7 The buildings proposed to be demolished (Wesley Centre and Parish Hall) are designated for community use under policy CS3 and the NPPF. Paragraph 92 of the NPPF states that the Council should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Policy CS3 states that proposals resulting in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood.
- 6.8 One of the main aims of the overall project is to enhance the church's established practice of community partnership and co-operation to further encourage other agencies, societies, clubs and individuals to promote and run community activities. Whilst the net effect of the proposal reduces the net floor area of available space the space created by the extension to Holy Saviours church will make the spaces significantly more flexible and better suited to host a range of community activities. Locating all of the community spaces in and around Holy Saviour's Church will also allow much greater efficiency in the use of ancillary spaces as well as reducing running costs. The space will also be modern and fit for purpose whereas the existing facilities within the Wesley Centre and Parish Hall are currently in a poor state of repair.

- 6.9 Although no up to date marketing evidence has been provided to show the viability of the continued use of the buildings, their loss is not considered to significantly impact on the day to day needs of the local community to access other similar community use facilities which will be further enhanced once the extension to Holy Saviours Church has been completed.
- 6.10 In principle the scheme is, therefore, considered to be acceptable in this location as it would result in making efficient and effective use of land in a sustainable location as required by the NPPF and local planning policies.

Design and effect on character

- 6.11 External appearance, scale and landscaping details are reserved matters and therefore should not be considered as part of this assessment. Layout and access are however to be considered and will have an impact on character.
- 6.12 The scheme would result in one access onto Whites Road replacing two existing accesses. In terms of visual appearance and character of the street scene of Whites Road the proposal represents a betterment.
- 6.13 Since the original submission the layout of the scheme has been amended with the aim of reducing dead frontages, backs/sides of properties without windows overlooking the street, from facing onto Whites Road. This is also considered to be a betterment in terms of impact on local character.
- 6.14 Whilst there is not a significant amount of back land development in the local area the existing nature of the buildings within the site are themselves unusual and replacing them with housing is not considered to be at odds with the existing character nor would they harm the setting of the listed church to the north due to the separation distance and vegetative boundaries; in addition the design of the houses is a reserved matter.
- 6.15 The footprint of the houses, the amount of garden proposed; and space around each dwelling (or group of dwellings), is also not significantly different to that of housing development within the neighbourhood. The proposed layout also takes careful account of trees on and around the site with only 20 proposed to be felled out of a total of 109 and thus the general character of the area, as contributed by large mature trees, will be retained.
- 6.16 Whilst scale is a reserved matter the site plan does indicate the number of bedrooms proposed for each dwelling and the indicative floor plans provided demonstrate that all dwellings proposed are now (following amendments) two storey. The revised indicative floor plans and site plan (showing proposed footprints to the buildings) demonstrate that the proposal reflects local design characteristics in terms of footprint and building to plot ratio and the Council will have the opportunity to comment on the overall design at the reserved matters stage.
- 6.17 The proposed dwellings are therefore judged not to appear out of character within the plot or look out of place nor squeezed into an inadequate or inappropriate location and accord with LDF Policy CS13.

Residential amenity

- 6.18 All dwellings will have sufficient garden areas that will be usable, and it is considered that the degree of shadowing by surrounding trees overall will be acceptable taking into account the nature of the site and the canopies of the trees on and around the site. The proposed gardens will also achieve the minimum recommended sizes set out in the Residential Design Guide (10m depth with 70sq [semi-detached] & 50sq.m [terraced]).
- 6.19 The separation distances to neighbouring residential properties will be acceptable so that both future residents enjoy privacy distances that accord with the standards set out in the Residential Design Guide, 21m between directly opposite properties that back onto one another, or exceed them.
- 6.20 All habitable rooms within the proposed buildings will have access to outlook, daylight and will achieve appropriate ventilation.
- 6.21 Access to each dwelling will also be acceptable. Conditions will be needed to ensure that the route is acceptable for wheelchair and pushchair users; and also, to improve lighting for security purposes. The layout is expected to be in a home zone style where surfaces are shared.
- 6.22 In summary the occupants of the proposed dwellings, and the existing vicarage, will all experience a high-quality living environment typical of family dwellings in suburban settings.
- 6.23 Furthermore, the proposed development will not adversely affect neighbouring properties, being set sufficiently away from the site boundaries. Whilst only indicative floor plans have been provided the two-storey form of development means that visual impact experienced from neighbouring gardens and habitable rooms would be acceptable given the suburban location, separation distance and vegetative boundaries. It is also not anticipated that the neighbours would be harmed as a result of shadowing caused by the proposed dwellings given that there are large mature trees on the boundaries of the site to the south west (properties fronting Brownlow Avenue) and due to the orientation/juxtaposition with adjacent neighbours. A community use agreement would be secured to ensure the community facilities are appropriately managed to prevent adverse noise and disturbance to neighbouring housing.
- 6.24 Therefore, in all respects the proposed development is anticipated as having an acceptable relationship with neighbouring properties/owners. Harm has been avoided by designing the scheme to reflect the dominant pattern of development in the local area. In addition, the quality of the proposed residential environment is considered to be acceptable and the scheme has, therefore, been assessed as compliant with LPR Policy SDP1(i).
- 6.25 There is also merit to the development in terms of the safety and security of the vicarage with increased natural surveillance and the proposal includes natural surveillance over the proposed public areas of the development.

Parking highways and transport

- 6.26 The site is within a medium accessibility area with residents' day-to-day needs capable of being reached by foot and bicycle. Access to Bitterne District Centre is achievable by foot and bicycle and Southampton City Centre is available by public transport.
- 6.27 Access to the proposed development by vehicles will be via a reconfigured site entrance from Whites Road. Pedestrian access will also be achieved Whites Road as well as from the existing route through the site from Bursledon Road which will become a pedestrian route only. Pedestrians would also be able to access the footpath through the adjacent church graveyard.
- 6.28 Sightlines will need to be secured by planning condition and site-specific highways works are anticipated. A construction management plan will also be required to ensure that there is suitable space on site for construction related vehicles and to prevent deliveries at peak traffic times.
- 6.29 Parking will be provided on the basis of 2 car parking spaces per dwelling which, critically, does not exceed the Council's maximum standards. Secure cycle parking can be accommodated in rear gardens. This provision meets the requirements of the Southampton Parking Standards.
- 6.30 28 car parking spaces are proposed for use by the church. In high accessibility areas the parking standards SPD allows 1 car parking space for each 5 fixed seats in addition to 1 parking space for each 20 sq.m of open hall. Officers note that the church is in a high accessibility area however the application site is outside. The existing main church has pews with a max capacity of 360 persons which would allow up 72 parking spaces. If the pews are not fixed 20 additional car parking spaces would be allowed on the basis of an open hall floor area of 385sq.m (321sqm sq.m in the main hall and 64sq.m granted under application 19/00123/FUL). Therefore, in total 92 car parking spaces could be allowed on site.
- 6.31 The proposed scheme provides 28 spaces for the Church, which is broadly similar to the existing; it is appreciated that the existing parking layout is somewhat informal and therefore is difficult to accurately quantify and falls well below the maximum car parking allowance when considering the maximum capacity. Proposals don't need to achieve the maximum level permitted by policy in order to be supported. Therefore, based on the parking provision proposed the scheme is policy compliant and again it is important to consider the location which can be reached by public transport and is likely to be within walking distance of a significant portion of church members.
- 6.32 No objection to the scheme has been received from the highways development management team following amended plans to improve the access for refuse vehicles. Refuse and cycle storage, as well as parking on site, can also be successfully achieved and secured by condition and at the reserved matters stage.

Loss of open space

- 6.33 In the centre of the site is a former bowling green (now disused) and a tarmac ballcourt; both of these are owned by the church.
- 6.34 The former bowling green is located behind the Parish Hall. This was in regular use until 2016 when the club folded, and existing/remaining members choose to join alternative clubs nearby (Vospers in Hamble); the green and pavilion building have not been in use since. The green is not large enough to be used for competition; in addition, the green is increasingly compromised by tree roots resulting in an uneven surface.
- 6.35 The bowling club had enjoyed many years of use of the land, owned by the church, at a 'peppercorn' rent and discussions had started between the church and club to both formalise the agreement, and to agree more realistic rates. However, the club themselves took the decision to close before this discussion had been concluded.
- 6.36 With the closure of the bowling club, there is no longer demand for the bowling green and so the scheme does not propose to replace the bowling green.
- 6.37 Adjacent to the green is a tarmac ball court enclosed by a chain-link fence which is also within the ownership and use of the church. Although informal use of the ball court has occurred in the past it has not formally been permitted for use by the general public rather it has only formally been used for church-based activities, albeit ones with a community focus (such as a youth club).
- 6.38 The proposal seeks to redevelop the existing ball court and turn it into a car park for the church. A ball court will then be re-provided adjacent to the car park. The area of the proposed ball court would however represent a 16% reduction in floor area (from 997sqm to 840sq.m).
- 6.39 The loss of the bowling green and 16% reduction of ball court represents a departure from the development plan (CS21) and NPPF paragraph 97, which seek to ensure no net loss of space.
- 6.40 In line with the Government's NPPF (including Section 8); and PPG (Health and wellbeing section), consideration should also be given to how the new housing, will provide opportunities for people to lead healthy lifestyles and create healthy communities.
- 6.41 To mitigate the impact of the overall loss of open space the proposal would improve the quality of the available open space on the site; and would also ensure that the church manage the open space so that wider community groups are able to able gain access. The space will therefore be able to be used more frequently and by greater numbers of people than the existing bowling green and ball court. A legal agreement associated with the planning application will be used to manage the 'community use agreement' and a planning condition will be added to ensure that the ball court is re-provided on site prior to the occupation of the flats and retained on site throughout the lifetime of the development.
- 6.42 The loss of the open space on site is considered to be outweighed by the positive aspects of the proposal.

Air Quality and the Green Charter

- 6.43 The Core Strategy Strategic Objective S18 seeks to ensure that air quality in the city is improved and Policy CS18 supports environmentally sustainable transport to enhance air quality, requiring new developments to consider impact on air quality through the promotion of sustainable modes of travel. Policy SDP15 of the Local Plan sets out that planning permission will be refused where the effect of the proposal would contribute significantly to the exceedance of the National Air Quality Strategy Standards.
- 6.44 There are 10 Air Quality Management Areas in the city which all exceed the nitrogen dioxide annual mean air quality standard. In 2015, Defra identified Southampton as needing to deliver compliance with EU Ambient Air Quality Directive levels for nitrogen dioxide by 2020, when the country as a whole must comply with the Directive.
- 6.45 The Council has also recently established its approach to deliver compliance with the EU limit and adopted a Green City Charter to improve air quality and drive up environmental standards within the city. The Charter includes a goal of reducing emissions to satisfy World Health Organisation air quality guideline values by ensuring that, by 2025, the city achieves nitrogen dioxide levels of 25µg/m³. The Green Charter requires environmental impacts to be given due consideration in decision making and, where possible, deliver benefits. The priorities of the Charter are to:
- Reduce pollution and waste;
 - Minimise the impact of climate change
 - Reduce health inequalities and;
 - Create a more sustainable approach to economic growth
- 6.46 The application has/will address the effect of the development on air quality and the requirements of the Green Charter by achieving compliance with the Councils adopted climate change mitigation policy CS20 (Tackling and Adapting to Climate Change) by ensuring that the dwellings achieve improved energy and water efficiencies. The scheme will also have to incorporated sustainable urban drainage systems to combat potential flooding. The proposal also works with the trees on site and where tree felling is necessary the legal agreement will require two for one replacement planting.

Trees and Ecology

- 6.47 20 trees in total will need to be felled to facilitate the development. 10 of these are due to building constraints and another 10 are due to their poor condition. Of these 20 trees, 8 are covered by tree preservation orders and only one of these (T094) is due to building constraints. The other seven are either in poor condition, dead or a stump. Any TPO'd tree will need local authority permission before they can be felled. TPO'd trees that will be retained will need to be protected during construction works. Appropriate conditions will be needed as recommended by the Council's Tree Team and lost trees will need to be replaced on a two for one basis. Replacement trees may need to be located offsite and as such would be controlled by legal agreement.

- 6.48 The proposed tree loss is considered to be outweighed by the positive aspects of the proposal.
- 6.49 The Council's Ecologist is not satisfied with the proposed ecological mitigation measures with particular regard to slow worm habitat loss mitigation. The Council's Ecologist is, however, satisfied that there are alternative options available to ensure that the impact of the development can be appropriately mitigated. Conditions have been recommended and will be included if the scheme is supported.

Mitigation of direct local impacts

- 6.50 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide-ranging impacts associated with a development of this scale, an extensive package of contributions and obligations would be required as part of the application if the application were to be approved. The main area of contribution for this development, in order to mitigate against its wider impact, is for highway works and these works will be secured via a Section 106 legal agreement. These works will be improvements to pedestrian and cycle facilities within the vicinity.
- 6.51 A development of this scale would normally trigger the need for 35% affordable housing in accordance with Core Strategy Policy CS15. In terms of the 15 dwellings there is an expectation that 6 flats (35%) will be provided on site.
- 6.52 Policy CS15 suggests that *'the proportion of affordable housing to be provided by a particular site will take into account the costs relating to the development; in particular the financial viability of developing the site (using an approved viability model)*. The applicants have submitted a detailed viability appraisal of their scheme, which includes no affordable housing. This is a weakness of the scheme but has been assessed and verified by an independent adviser to the Council; in this case the District Valuation Service (DVS). A copy of their report is appended to this report at **Appendix 4**.
- 6.53 The assessment provided by DVS on the viability on the proposed scheme including the provision of nil Affordable Housing identifies that the scheme is showing a deficit of **£234,359** which converts to a reduced profit of **£582,891 (approximate 12%)** which is significantly below the stated profit mark of **17.5% (£817,250)** used by DVS and the NPPF.
- 6.54 Given the deficits involved it would be right to question why the scheme is coming forward at the current time. Clearly, this is a matter for the applicant and as the scheme is at outline stage it will be some time yet before the full development potential will be realised on the ground, by which time circumstances may change and affordable housing becomes viable. The s.106 clauses will build in review mechanisms in line with our normal practices; if the development has not completed by the deadline of February 2022 an additional viability would therefore be required.
- 6.55 Whilst failing to secure Affordable Housing is a weakness of the application proposal, the adopted Development Plan allows for viability to be considered

when determining the level of affordable housing. The proposal also brings other benefits to the city including the delivery of homes, ten of which are family units, regeneration of this site and improved community facilities. As such, and in light of the advice from the DVS, it is recommended that the development be supported on the basis of the current viability position which does not support Affordable Housing. Alternatively, the Panel may decide that it would be better to wait for the economic conditions to improve and seek affordable housing to meet our significant need when a fully policy compliant viable scheme is achievable. Clearly the risk with this approach is that the site may remain vacant. A refusal on this basis could also result in an appeal where the Council would need to justify its reasons in light of the DVS findings.

- 6.56 The scheme also triggers the need for Community Infrastructure Levy (CIL).

Likely effect on designated habitats

- 6.57 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7 Summary

- 7.1 The scheme represents a departure from the development plan on the basis of the loss of open space. The scheme also results in the loss of 20 trees, 8 of which are protected by Tree Preservation Orders and further ecological mitigation measures are needed to ensure that significant harm to slow worms on site does not occur. These negative aspects of the scheme need to be judged against the positive which include housing delivery, family homes, improved surveillance and improved public access to sporting facilities. In other respects, the proposal strikes a balance between the delivery of housing (including 10 houses capable of accommodating families) protection of the amenities of nearby residents, parking requirements of the Church and a layout which does not compromise highways safety.
- 7.2 Having taken all material planning considerations into account, as listed in the above report, on balance the scheme is considered to be acceptable.

8 Conclusion

- 8.1 It is recommended that outline planning permission be granted subject to a Section 106 agreement and conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

MP for 22/06/2021 PROW Panel

PLANNING CONDITIONS

1. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas and the means of access (vehicular and pedestrian) into the site and the buildings is approved subject to the following:

(i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:

- the appearance and architectural design specifying the external materials to be used;
- the scale of the buildings indicating massing and building bulk and;
- the landscaping of the site specifying both the hard, soft treatments and means of enclosures including ongoing maintenance

(ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission

(iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

2. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown as part of the submission, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary, this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

3. Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (The enlargement, improvement or other alteration of a dwelling house)

Class AA (enlargement of a dwelling house by construction of additional storeys)

Class B (additions etc to the roof of a dwelling house)

Class D (porches),

Class E (buildings etc incidental to the enjoyment of a dwelling house)

Class F (hard surfaces incidental to the enjoyment of a dwelling house)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site which is significantly constrained by protected trees; and in the interests of the comprehensive development and visual amenities of the area.

4. No other windows or doors other than approved (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, doors or other openings, other than those expressly authorised by this permission, shall be inserted above ground floor level in the side elevations of development hereby permitted without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the adjoining residential properties.

5. Landscaping, lighting & means of enclosure detailed plan (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. means of enclosure/boundary treatment,
- ii. car parking layouts,
- iii. vehicle pedestrian access and circulations areas,
- iv. hard surfacing materials,
- v. structures and ancillary objects (refuse bins, lighting columns etc.),
- vi. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and tree pit design.
- vii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance),
- viii. a landscape management scheme; and
- ix. measures to prevent unmanaged parking within root protection areas.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Within root protection zones there must be a no dig solution to physical structures including road formation and kerb formation. Measures shall also be included in the landscaping plan to demonstrate how informal parking on roof protection areas will be prevented.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

6. Arboricultural Method Statement (Pre-Commencement Condition)

No operation in connection with the development hereby permitted shall commence on site until a site specific Arboricultural Method Statement in respect of the protection of the trees during all aspects of work on site is submitted and agreed in writing by the Local Planning Authority. It will be written with contractors in mind and will be adhered to throughout the duration of the demolition and development works on site. The Method Statement will include the following:

1. A specification for the location and erection of protective fencing around all vegetation to be retained (taking account of plan 321 55 rev C 'tree protection plan' April 2020).
2. Specification for the installation of any additional root protection measures.
3. Specification for the removal of any built structures, including hard surfacing, within protective fencing areas.
4. Specification for the construction of hard surfaces where they impinge on tree roots.
5. The location of site compounds, storage areas, car parking, site offices, site access, heavy/large vehicles (including cranes and piling rigs)
6. An arboricultural management strategy, to include details of any necessary tree surgery works, the timing and phasing of all arboricultural works and protection measures.
7. Specification for soft landscaping practices within tree protection zones or the canopy of the tree, whichever is greatest.

Reason: To ensure that provision for trees to be retained and adequately protected throughout the construction period has been made.

7. No storage under tree canopy (Performance)

No storage of goods including building materials, machinery and soil, shall take place within the root protection areas of the trees to be retained on the site. There will be no change in soil levels or routing of services through root protection zones. There will be no fires on site within any distance that may affect retained trees. There will be no discharge of chemical substances including petrol, diesel and cement mixings within or near the root protection areas.

Reason: To preserve the said trees in the interests of the visual amenities and character of the locality.

8. Retention of trees (Performance Condition)

For the duration of works on the site no trees on the site shall be pruned/cut, felled or uprooted otherwise than shall be agreed in writing by the Local Planning Authority. Any tree removed or significantly damaged, other than agreed, shall be replaced before a specified date by the site owners /site developers with two trees of a size, species, type, and at a location to be determined by the Local Planning Authority.

Reason: To secure a satisfactory setting for the proposed development and to ensure the retention, or if necessary replacement, of trees which make an important contribution to the character of the area.

9. Replacement trees (Pre-commencement)

Any trees to be felled pursuant to this decision notice will be replaced with species of trees first to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority; details of species, size, location, pit design and management shall be included within the submission. Preferred locations will be adjacent to Whites Road and Bursledon Road to cover the loss in these areas. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment, to mitigate loss of trees necessary to facilitate the development and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

10. Demolition/Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be submitted to and approved in writing by the Local Planning Authority making provision for a Demolition & Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) method of demolition required in order to prevent damaged to protected trees. loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area, highway safety and protected trees.

11 Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday 08:00 to 18:00 hours

Saturdays 09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

12. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

13. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

14. Unsuspected Contamination (Performance)

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified, no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority. Works shall not recommence until an assessment of the risks

presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority. The development shall proceed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

15. Energy & Water (Pre-Commencement)

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

16. Energy & Water (performance condition)

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

17. Sustainable Drainage (Pre-Commencement Condition)

No building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the non-statutory technical standards for SuDS published by Defra (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: To seek suitable information on Sustainable Urban Drainage Systems as required by government policy and Policy CS20 of the Southampton Core Strategy (Amended 2015).

18. Archaeological watching brief investigation [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

19. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

20. Surface / foul water drainage (Pre-commencement)

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water. The development shall proceed in accordance with the agreed details and be retained as approved.

Reason: To ensure satisfactory drainage provision for the area.

21. Sightlines specification (Performance)

Sight lines, measuring 2m by 2m from the back edge of the footway shall be provided for both vehicular access proposed (Whites Road and Bursledon Road) before the occupation of any building hereby approved commences and, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level within the sight line splays

Reason: To ensure that vehicle drivers have sufficient sightlines out over the public highway and into the site in the interests of safety.

22. Residential Parking (Pre-Occupation)

The parking spaces for the dwellings; and access, to them shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the occupants and their visitors; and for no other purposes other than indicated on the approved plans. At no time shall visitor spaces be allocated to residential properties and at no time shall any of the residential properties be allocated more than 2 car parking spaces each.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

23. Church Parking (Pre-Occupation)

The parking spaces for the church; and access to them, shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained solely for the use of the church and its visitors; and for no other purposes other than indicated on the approved plans unless otherwise agreed in writing by the local planning authority.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

24. Delineation of car parking spaces, (Performance condition)

In the demarcation of the car parking spaces hereby approved shall be formed by block paving of a different colour/tone to the main block paving material used for the hard-surfacing areas of the site and as show on the approved plans.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

25. Servicing vehicle turning area [Performance Condition]

The turning area for servicing vehicles as indicated by the approved plans (Refuse vehicle tracking plan, 32129 dwg no.53, Oct 2019, received 08/06/2021 & Site plan as proposed, 32129 dwg no. 32 revision CC Jan 2016, received 08/06/2021) shall be kept available at all time for the manoeuvring of servicing vehicles and shall therefore remain unobstructed by solid boundary treatment, landscaping features, signage, furniture or any other physical features in perpetuity once the development hereby approved is occupied.

Reason: In the interests of highways safety.

26. On site signage (Pre-Occupation Condition)

Prior to the occupation of the development hereby approved details of on-site signage (including position and design) shall be submitted to and approved in writing by the local planning authority. The signage will need to identify the following in accordance with the approved plans:

o the allocation of parking spaces.

o that the access road and 'turning area' shall not be used for parking purposes.

Once approved the signage shall be erected on site in accordance with the approved plans and retained whilst the development is occupied for residential purposes.

Reason: To ensure that residents and visitors to the site are aware of parking restrictions in the interests of visual amenity and highway safety.

27. Refuse & Recycling (Pre-Commencement)

Prior to the commencement of development, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the development is first occupied and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

28. Cycle storage facilities (Pre-Commencement Condition)

Before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

29. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit an updated programme of habitat and species mitigation and enhancement measures which should cover the impacts identified in the Ecological Appraisal March 2017 as well as the Phase 2 Bat and Reptile Report, October 2019; and which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity; and in particular because residential gardens are not suitable locations for slow worm mitigation as they will not remain in control of the church and as such cannot be secured in perpetuity.

30. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

31. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of residential amenity/to minimise the impact on protected species.

32. Road Construction (Pre-Commencement)

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing:

1. A specification of the type of construction proposed for the highway including all relevant horizontal cross-sections and longitudinal sections showing existing and proposed levels together with details of street lighting, signing, white lining and the method of disposing of surface water.
2. A programme for the making up of the roads and footpaths to a standard suitable for adoption by the Highway Authority.
3. Should the developer not enter into a Section 38 Agreement there will be a requirement to provide details of a Management plan which will maintain these areas in the future, and a bond will be required to support this process.
4. The construction of the highway shall use no dig methods within the root protection areas of trees onsite.

The development shall be carried out in accordance with the approved specification prior to the occupation of the development hereby approved.

Reason: To ensure that the highway is constructed in accordance with standards required by the Highway Authority.

33. Amenity Space Access (Pre-Occupation)

Before the development hereby approved first comes into occupation, the private external amenity spaces shall be made available for use in accordance with the plans hereby approved. The amenity spaces shall thereafter be retained for the use of the occupiers of the dwellings and shall not be further subdivided without further grant of planning permission.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

34. Ball Court/MUGA Details.

No development hereby permitted shall be commenced until the Local Planning Authority have approved in writing a specification for the design of the ball court/Multi Use Games Area (MUGA) hereby approved, including materials, means of enclosure, surface treatment, sports facilities/infrastructure, pitch marking and maintenance details. The Ball Court/MUGA shall be erected on site in accordance with approved details and retained throughout the lifetime of the development in accordance with approved details unless planning permission

is granted for the Ball Court/MUGA to be used for another purpose. The Ball Court/MUGA shall also be available to use by the public in accordance with the community use agreement as secured by Section 106 legal agreement which accompanies this decision.

Reason: To mitigate the net loss of open space.

35. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

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Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project	
European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have provided details)?	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>
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Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£346.00
2 Bedroom	£500.00
3 Bedroom	£653.00
4 Bedroom	£768.00
5 Bedroom	£902.00

endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Therefore, in order to deliver the an adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 5% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 5% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such cases Natural England will not require a Regulation 63 appropriate assessment consultation.

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POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP17	Lighting
SDP22	Contaminated Land
HE3	Listed Buildings
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2019
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Relevant Planning History

871647/E - Erection of a single storey extension to Holy Saviours Church. CAP, 1988.

1627/E15 - 6 x 8m Floodlight poles at tennis court. CAP 1993.

1573/E41,ERECTION OF A SINGLE STOREY MEETING ROOM (CHURCH HALL)
CAP, 1960.

1504/E24 - ERECTION OF TIMBER CLUB HOUSE AT BOWLING GREEN CAP, 1976

1492/E20, PREFAB BUILDING FOR MEETINGS AT CHURCH HALL HOLY
SAVIOURS CHURCH, CAP, 1975

1355/P18 NEW CHURCH HALL AND CAR PARKING (CHURCH HALL), CAP, 1968

1299/P41, ERECTION OF NEW VICARAGE AND METHODIST CHURCH ON LAND
IN GARDEN, CAP, 1965

1289/P7, REBUILD VICARAGE REDEVELOPMENT OF GARDEN FOR METHODIST
CHURCH AND CAR PARKING CAR PARKING IMPROVEMENTS FOR BITTERNE
CHURCH (VICARAGE AND METH CHURCH SITES), CAP, 1965

1139/48, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH
HALL), CAP, 1961

1137/T, ERECTION OF SECTIONAL TIMBER HUT FOR STORAGE (CHURCH
HALL), (Temp exp 31/12/1960), CAP 1958

932/18, REBUILD INSTITUTE (CHURCH HALL) (Prev Ref - Code 14884), CAP, 1949

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Valuation Office
Agency

DVS Property Specialists
for the Public Sector

Exeter Valuation Office
Longbrook House
New North Road
Exeter
EX4 4GL

Simon Mackie
Planning Agreements Officer
Infrastructure Planning and Development Service
Southampton City Council

Our Reference : [REDACTED]/1731742
Your Reference: 19/00838/OUT

Sent via e-mail only

Please ask for : [REDACTED]

Tel : [REDACTED]

e-mail : [REDACTED]

Date : 28 February 2020

Dear Simon

VIABILITY ASSESSMENT

ADDRESS: BITTERNE PARISH CHURCH OFFICE, WHITES ROAD

Thank you for your instruction to undertake a viability review of the planning application for the following:

'Outline application for the redevelopment of the Bitterne Parish Church site including 15 houses (4 x 4 bed and 6 x 3 bed in semi-detached pairs and 5 x 2 bed) with new access road and car parking following demolition of existing parish church hall and the removal of the existing bowling green and pavilion'

This report is not a formal valuation.

The date of assessment is 28 February 2020.

We have reviewed the January 2020 assessment provided by S106 Affordable Housing Ltd.

The assessment has been made by comparing the residual value of the proposed scheme with an appropriate benchmark figure having regard to the National Planning Policy Framework and the published RICS Guidance Note into Financial Viability in Planning.

The principal objective of our Brief and the subject of this report are to establish whether there is financial justification for any affordable housing and section 106 contributions.

General Information

It is confirmed that the viability assessment has been carried out by [REDACTED], an RICS Registered Valuer, acting in the capacity of an external valuer, who has the appropriate knowledge and skills and understanding necessary to undertake the valuation competently, and is in a position to provide an objective and unbiased valuation.

In undertaking this assessment, I have acted with objectivity, impartially, without interference and with reference to all appropriate available sources of information. In addition, no performance related or contingent fees have been agreed.

Checks have been undertaken in accordance with the requirements of the RICS standards and no conflict of interest has been revealed.

The client will neither make available to any third party or reproduce the whole or any part of the report, nor make reference to it, in any publication without our prior written approval of the form and context in which such disclosure may be made.

You may wish to consider whether this report contains Exempt Information within the terms of paragraph 9 of Schedule 12A to the Local Government Act 1972 (section 1 and Part 1 of Schedule 1 to the Local Government (Access to Information Act 1985) as amended by the Local Government (access to Information) (Variation) Order 2006.

Our assessment is provided for your benefit alone and solely for the purposes of the instruction to which it relates. Our assessment may not, without our specific written consent, be used or relied upon by any third party, even if that third party pays all or part of our fees, directly or indirectly, or is permitted to see a copy of our report. If we do provide written consent to a third party relying on our assessment, any such third party is deemed to have accepted the terms of our engagement.

None of our employees individually has a contract with you or owes you a duty of care or personal responsibility. You agree that you will not bring any claim against any such individuals personally in connection with our services.

This report remains valid for 3 (three) months from its date unless market circumstances change or further or better information comes to light, which would cause me to revise my opinion.

Following UK's exit from the EU on 31st January 2020, the impact to date on the many factors that historically have acted as drivers of the property investment and letting markets has generally been muted in most sectors and localities. The outlook nevertheless remains cautious for market activity over the coming months as work proceeds on negotiating detailed arrangements for the future relationship between the UK and the EU, and sudden fluctuations in value remain possible. We would therefore recommend that any valuation is kept under regular review.

Background:

The 1.057 Ha site comprises a number of existing buildings, including the "Wesley Centre", the Parish Hall and the Vicarage. The Wesley Centre and the Parish Hall are both understood to be in a less than reasonable state of repair and also surplus to modern requirements, they are therefore proposed to be demolished. The Vicarage however is to be retained on site.

The proposed development site is located in the centre of Bitterne to the south of the church with residential accommodation located to the south and a shopping area just north of the church.

The Wesley Centre and Parish Hall are both currently accessed off Whites Road, an access which is proposed to be blocked off.

The outline planning proposal relating to this site sets out to demolish the Wesley Centre and Parish Hall, retain the Vicarage and erect 15 new houses with a new vehicular access created off Bursledon Road.

It is understood that previously submitted planning applications have included for extensions and refurbishment of the adjacent church. This latest application does not include for this but instead outlines that funds from the price to be paid for the development site should be used to carry out any such works.

It is understood that in order to comply with current planning policy that the proposed development should provide 35% affordable housing on this site. This would equate to a total of 5 on-site affordable units for the proposed 15 unit scheme.

S106 AH have provided a viability appraisal and report in which they conclude that a policy compliant scheme is not financially viable. Further, they highlight that a scheme providing 100% Open Market housing would also result in a deficit and they therefore contend that the scheme is not able to provide any on-site affordable units.

In order to test this contention, I have carried out my initial review on the basis of a 100% Open Market scheme.

The Scheme:

The proposed scheme to be assessed comprises the following accommodation:

House type	GIA (m²)	No. of units
2 bed terrace	82	3
2 bed semi	82	2
3 bed semi	98	6
4 bed semi	117	4
	1,466	15

Viability Assessment:

This assessment has been undertaken following my own detailed research into both current sales values and current costs. In some cases, I have used figures put forward by S106 AH if I believe them to be reasonable.

S106 AH have used the HCA Development Appraisal Tool (DAT) model when assessing the financial viability of the proposed scheme, whereas I have used the widely recognised Argus Developer toolkit.

1) Development Value -

a) Residential:

S106 AH have provided comparable evidence of houses in the locality that have either recently sold or are currently on the market. They state that this evidence supports a Gross Development Value (GDV) for the 15 houses of £4,390,000. This figure is based on the following average unit values:

- Two bed house : £230,000
- Three bed house : £300,000
- Four bed house : £360,000

The overall GDV equates to £2,995/m².

I have carried out my own research using our in-house property sales database plus online resources such as Rightmove. Following my research, I note that new build houses of a similar size to those proposed have sold for prices higher than the values proposed by S106 AH, with average sales values based on £3,350/m².

However, the evidence available to me does relate to houses that are generally located in higher value areas, on the fringes of Bitterne. Nevertheless, I am of the view that an average rate of £2,995 is too low and does not reasonable reflect the likely sales values of the proposed units.

I have analysed and adjusted the sales evidence of new build houses in the locality available to me and adopted the following units values:

Type	GIA	No.	DVS OMV
2 bed terrace	82	3	£240,000
2 bed semi	82	2	£250,000
3 bed semi	98	6	£325,000
4 bed semi	117	4	£375,000
	1,466m²	15	£4,670,000

My opinion of GDV for the 15 houses is therefore £4,670,000 which equates to approx. £3,125/m² and in my opinion more reasonably reflects the likely sales values of new build houses on a relatively small development in this location.

My adopted GDV is some £280,000 (c. 6%) higher than that submitted by S.106 AH.

b) Grant Funding:

No grant funding has been included by either party.

2) Development Costs -

a) Build Cost:

S106 AH have adopted a base build cost of £1,243/m² giving a total of £1,822,238.

I note that this rate is in line with the most up to date BCIS Median rate adjusted for the Southampton location. I am of the view that for a scheme of this size and type, in this location the use of the BCIS median rate is reasonable, and I have therefore adopted the same base build cost figure in my appraisal.

In addition, S106 AH have included 15% of build costs to reflect the external works required and a figure of £40,000 for the demolition works required. I would usually expect to see a more detailed breakdown for a scheme such as this. However, at this outline stage and with reference to other similar schemes, I do not consider the adopted figures for the external works and demolition costs to be unreasonable. I have therefore adopted the same for the purposes of my financial viability review.

My total build cost is therefore the same as that adopted by S106 AH at **£2,135,574**, excluding contingency and professional fees.

b) Contingency:

S106 AH have included a contingency of 5% in their appraisal which I judge to be reasonable for this scheme, on this previously developed site. This level of contingency has also been agreed on other similar schemes in the locality.

c) Professional Fees:

S106 AH have adopted professional fees of 7% which is deemed acceptable for this development and in line with other similar recent schemes DVS have reviewed.

d) CIL and Section 106/278 costs:

S106 AH have not allowed for any S.106 contributions but have included CIL at £33,924 within their appraisal for 100% Open Market Units.

I understand from your authority that the following S.106 contributions are required, and I have included them in my appraisal:

• Highways/Transport	:	£30,000 (Estimate)
• SDMP	:	£9,490
• Carbon Management Plan	:	£4,398
• Employment & Skills Plan	:	£8,030
TOTAL	:	£51,918

In addition, I understand a CIL figure of £124,728 is required and I have therefore also included this sum in my appraisal.

e) Sales & marketing costs:

S106 AH have adopted sales and marketing fees at 2.75% of sales values and sales legal fees at £750 per unit.

With regard to other similar schemes, I have adopted 2.5% for sales and marketing and £750 per unit for sales legal fees.

f) Development Programme:

I have adopted the following programme, which is broadly in-line with that adopted by S106 AH:

- Pre-construction - 6 Months
- Construction - 12 Months
- Sales - 4 Months

g) Finance costs:

S106 AH have included a debit interest rate of 7% to include all fees.

Based on other similar schemes agreed in the locality I have adopted a debit interest rate of 6.5% and in addition I have adopted a credit rate at 2%, as is good practice.

h) Developers profit:

In the current market a range of 15% to 20% of GDV for private residential, 6% of GDV for affordable is considered reasonable.

For the purposes of viability testing S106 AH have adopted a profit level of 17.5% on GDV for the private residential units. With regard to other similar schemes in the locality I am of the view that a profit of 17.5% is in line with recently agreed levels and the NPPF.

I have therefore adopted the same in my appraisal.

i) Land Value/Costs:

Following various appeal cases it is well established that viability assessments are carried out in order to calculate the residual land value that the scheme can afford which is then compared to the Benchmark Land Value (BLV) of the site taking account of the National Planning Policy Framework (NPPF) and The RICS Guidance note, Financial Viability in Planning, 1st edition.

The most up to date viability guidance published by the Ministry of Housing, Communities & Local Government (MHCLG) in September 2019 states that:

"To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner

would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with policy requirements."

S106 AH have submitted a BLV figure of £1,249,973. This is based on their opinion of EUV at £1,086,933 plus a premium to incentivise a reasonable landowner of 15%.

In reaching their opinion of EUV S106 AH have adopted an annual rent of £97,750 (approx. £86/m²) and capitalised this figure using a yield of 9%.

I have carried out my own research and am of the view that £86/m² and the 9% yield adopted are not unreasonable for D1 use accommodation in this location. However, with reference to the latest planning documents and by checking our digital mapping system I note that the GIA for the buildings on site appears to be 1,073m², and not 1,136m².

Therefore, applying the £86/m² to the adjusted floor area gives an annual rent of say £92,250. Capitalising this at 9% gives an EUV in the region of £1,025,000, which is not unreasonable, when compared to sales evidence of other D1 use buildings in the area.

The addition of a 15% uplift to the EUV in order to incentivise a reasonable landowner to sell for redevelopment has been accepted across the region and in my view there are no factors that support a larger or smaller incentive to be applied in this particular case.

On this basis, I am of the opinion that a BLV figure of **£1,177,500** is reasonable for the subject site and I have had regard to this figure when considering the financial viability of the 15 unit proposed scheme.

I have also included stamp duty at the current rate plus acquisitions costs at 1.80%.

Overall assessment:

S106 AH conclude that a scheme providing 100% Open Market housing would result in a deficit of £454,751 and they therefore contend that the scheme is not able to provide any on-site affordable units.

In order to test this conclusion, I have carried out an appraisal based on a scheme providing 100% open market residential units, adopting the inputs outlined in this report. My resulting Residual Land Value (RLV) for a scheme on this basis is **£943,141** which is below my adopted BLV and therefore indicates that a scheme on this basis is not financially viable (see Appendix A).

In order for the scheme to be delivered the developers profit would need to be accepted at less than 12%, and at this level the deliverability of the scheme needs to be questioned.

In light of my conclusions, if your Authority is minded to grant permission on the basis of less than policy required contributions, I would suggest that a time scale for delivery is agreed which if not met triggers a viability review.

I trust this provides the information that is required however please do not hesitate to contact me if you have any queries and I would welcome the opportunity of discussing this with you in greater detail.

Yours sincerely

Prepared by

Reviewed by

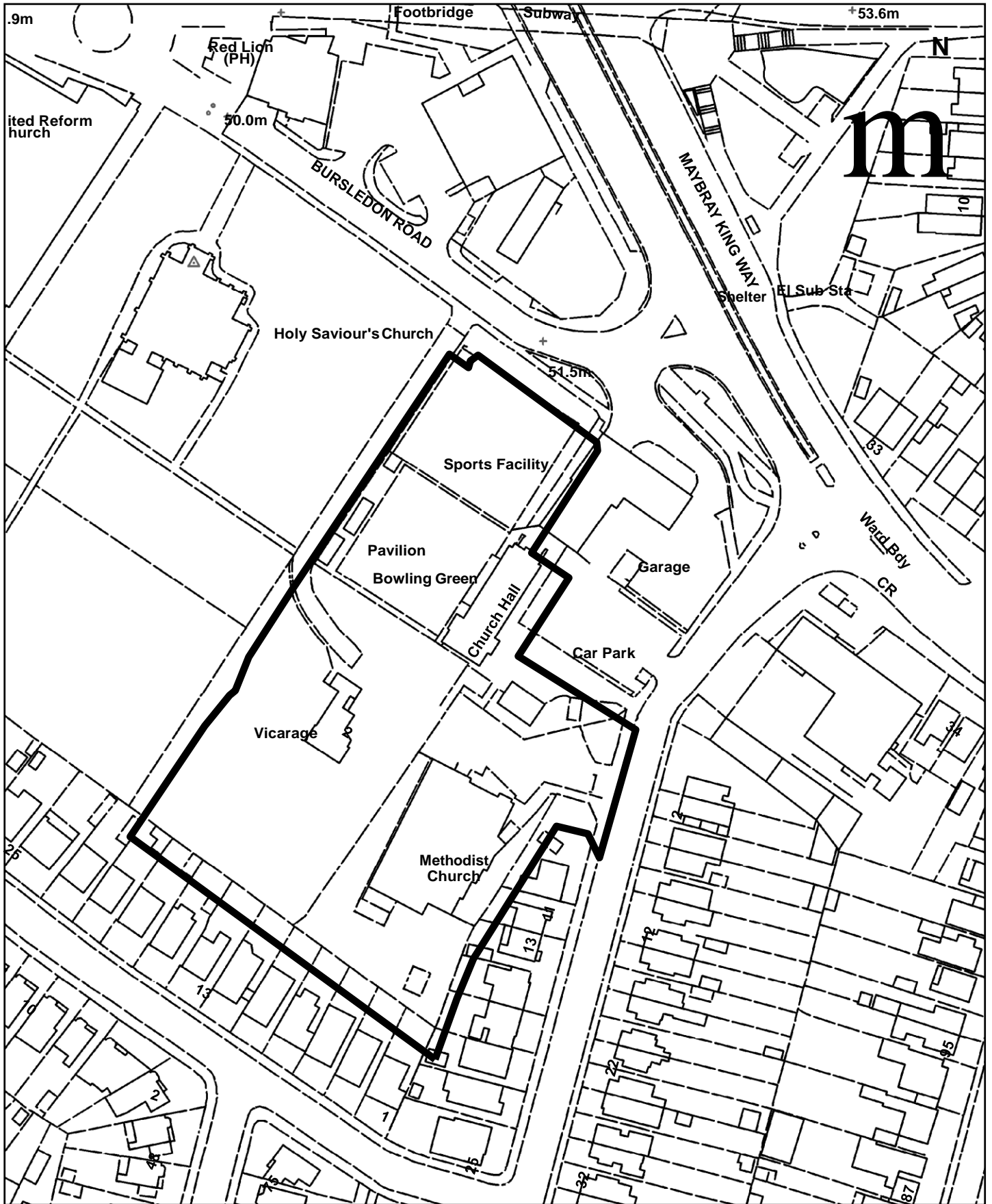
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Appendices

Appendix A - DVS Appraisal - 100% Open Market Scheme

Agenda Item 5 19/00838/OUT



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Agenda Item 6

Planning and Rights of Way Panel 22 June 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: 50 Oxford Street, Southampton			
Proposed development: Erection of a roof top bar – description amended following validation			
Application number:	20/00947/FUL	Application type:	Full
Case officer:	Mark Taylor	Public speaking time:	5 minutes
Last date for determination:	14.09.2020	Ward:	Bargate
Reason for Panel Referral:	Five or more letters contrary to the Officers recommendation have been received.	Ward Councillors:	Cllr S Bogle Cllr J Noon Cllr Dr D Paffey
Applicant: Mr Fred Panj		Agent: Knight Architectural Design	

Recommendation Summary	Refuse
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Community Infrastructure Levy Liable	No
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Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

1.Reason for Refusal - Noise and disturbance

The proposed development, by way of its night time use, shared access arrangements with residential properties and open and exposed position on upper floors, would be detrimental to the amenities of neighbouring properties (including residents within the same building) by reason of noise, safety and disturbance. The proposal would therefore be contrary to 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

2.Reason for Refusal - Lack of Section 106 to secure planning obligations.

In the absence of a completed Section 106 legal agreement to support the development the application fails to mitigate against its wider direct impacts in the following areas and is, therefore, contrary to Policy CS25 of the adopted LDF Core Strategy (2015):

- i. Late Night Community Safety Contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning Document (2013) as supported by Policy AP8 of the adopted City Centre Action Plan (2015)
- ii. CCTV contribution to address the wider implications of late night uses within the city centre in accordance with 6.5 of the Developer Contributions Supplementary Planning

1. The site and its context

- 1.1 The application site comprises a large three storey building, on the corner of Latimer Road and Oxford Street. At ground floor and first floor the building currently operates a bar/restaurant use (sui generis) known as the Medbar. At part of the first floor, and whole of the second floor, the building is in a residential use.
- 1.2 The application site is located within the Oxford Street Conservation Area. The application building is not a Listed or a Locally Listed Building. However, to the west is the locally listed building The Booth Centre (Salvation Army). Furthermore, the properties to the north and east of the site are either locally listed or listed buildings.
- 1.3 The application site is located within an area designated as an evening zone. As such City Centre Action Plan Policy AP8 applies. This policy will be referred to later in the report.
- 1.4 The application building is not of any particular architectural merit. The ground floor is largely glazed with a number of access points onto the public highways of Latimer Road and Oxford Street. The upper floor elevations are largely rendered with the elevations broken up with windows of a uniform design and spacing. There is an existing timber structure on the roof top used for storage.

2. Proposal

- 2.1 The proposal seeks to erect a roof top bar creating a third floor to the building. The roof top bar that will operate independently of the bar/restaurant uses that currently exist on the lower floors and is proposed to open at midday and close at 11pm (7 days). The proposed bar will be accessed via the existing stairwell on the southern side of the building that serves the existing residential accommodation
- 2.2 The proposed bar area will be a rectangular building located on the western side of the roof top. The roof form is of a single pitch increasing in height from the western side elevation to the centre of the existing roof. The proposed roof will overhang the proposed bar area however the external seating to the eastern side of the rooftop will be uncovered.
- 2.3 Balustrading around the seating area will be 1.1m high glazing. The proposed bar will be enclosed in black cedar cladding with grey UPVC bi-fold doors along the eastern elevation facing the roof terrace.
- 2.4 No toilets facilities are provided on the rooftop area. There is a single toilet facility for customers located within the communal stairwell at the southern end of the property at third floor.
- 2.5 The proposal and its description have been revised during the application. Initially the proposal included a revised fume extraction system for the bar/restaurant that operates on the lower floors. However, following discussions

with SCC Environmental Health Officers the extraction equipment has now been removed from the proposal.

3. Relevant Planning Policy

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at ***Appendix 1***.

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

4.1 A schedule of the relevant planning history for the site is set out in ***Appendix 2*** of this report.

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice on the 21st August 2020. A press notice was printed 7th August 2020. At the time of that consultation the application included details of extraction equipment serving the lower floors. The extraction equipment has since been removed from the proposal, as such any comment associated with extraction equipment are not included below.

5.2 Following receipt of amended plans and an amendment to the applications description a further round of consultation on the proposal was undertaken. In total 29 representations were received. 16 In support of the development, and 13 objecting to the proposal.

5.3 The following is a summary of the points raised:

Comments in Support

It would be a great addition to Oxford Street. Revitalizing the area, Oxford Street is renowned for its great atmosphere, dining, drinking and entertainment.

Already at least 4 businesses closed in the last 5 years (Cargo, former Casa Brasil, Prezzo or Chimichanga just to name a few)

This is a fresh idea for Oxford Street which will be great for the community.

The unique business plan will create new job opportunities and it will help the economy in the city.

The proposal will result in additional footfall.

The idea of implementing a rooftop bar as it brings a different atmosphere to the area. No business is currently doing this so it'd be a good look for the area.

This wouldn't be a massive concern when it comes to noise issues with neighbours because having a new terrace could mean that they'll be shutting as early as 10pm. Whereas most of the bars and restaurants have an alfresco dining which means they shut as late as 12-1AM which raises concerns when it comes to the local residents.

The Government are pushing businesses to utilise as much outdoor area as possible, the Roof Top Bar will be perfect for this and the future.

The application is within a 'NIGHT TIME ECONOMY ZONE', I don't understand why residents are complaining about Impact of Noise.

The plans show how it will be monitored as they will have security in place to control the people and venue and no music will be played.

Response

The support for the proposed roof top bar and terrace is noted. The application site is located within an area designated as an evening zone, however this designation also requires compliance with other policies including those that wish to protect neighbour amenity.

Comments in opposition

The proposal will reduce the quality of life of the large residential community in the Oxford Street area.

A roof bar will generate intrusive noise. The flats within 50 Oxford Street would be sandwiched between the two bars.

The rooftop bar will generate noise disturbance not only at the ground floor of Latimer and Oxford streets but also at a higher floor/level (Music, people chatting and screaming). This will most likely disturb more residents.

Response

This impact of the proposal on the amenity or neighbouring residential properties forms part of the material consideration for the application below.

Would the roof bar/terrace be run as an independent enterprise to the ground floor premises.

Response

The proposed roof top bar and terrace is proposed to be independent of the similar use on the lower floors of 50 Oxford Street.

There's a mismatch between the application, which requests a license until 11, and informal discussions during consultation with the new director, who indicated that the period between 10 and 2 was the most profitable part of operation under the previous regime.

Response

The proposal to be considered has a proposed closing time of 11pm. Should the application be successful this could be secured by condition. Any extension of these hours would then require a further application to amend the hours of opening. The granting of a premises license with different hours operation would not override/replace the planning condition.

Previous planning consents identified the roof space as an amenity for residents of the flats; a roof bar would be an unjustifiable loss of this designated communal area.

Response

Previous planning consents have secured a section of the southern side of the existing flat roof to serve as a communal amenity space for the residential units within 50 Oxford Street. There is no evidence to suggest that the area has ever been used for such a provision. It is also noted that the timber storage shed (consent 15/00351/FUL) is located in the area previously designated as amenity area.

There is already loud noise that can be heard from the existing bar when it is operating. This includes people arriving and leaving the premises up to 2am.

Response

Neighbour amenity forms part of the material considerations of the application below. However, it is important to note that the proposal is not an extension of the existing med bar, but an independent unit with a proposed closing time of 11pm.

They have identified bedroom and living room windows within Havelock Chambers as “staircase windows to neighbouring apartment block”. There will actually be a bedroom window within 3 metres of the proposed bar area. There will also be bedrooms and living rooms directly above the bar area.

Response

The points raised with regard to the proximity of windows serving habitable rooms within Havelock Chambers are noted. Neighbouring amenity forms part of the material considerations for the application below.

The proposal will invade the privacy of the clients of the Booth Centre

Response

The privacy amenity of the neighbouring residential properties forms part of the materials consideration of the application below. However, it is noted that the proposed bar structure does not contain any windows facing into the neighbouring Booth Centre. Planning conditions can be applied that prevents windows being inserted at a later date.

5.4 Consultation Responses

5.5 Cllr S Bogle

I object to the opening of a rooftop terrace bar due to impact of noise on neighbouring residents.

5.6 SCC Environmental Health Officer – Objection

It is not believed that there can be appropriate or sufficient mitigation of the noise likely to be produced from voices and bar activities including disposal of glass bottles. As a result neighbours, particularly residential, would be disturbed unduly.

Residential units lie immediately adjacent, opposite and in some cases above the application site. Even taking into account an earlier terminal hour for the terrace to the rest of the premises a roof terrace is not deemed appropriate in this location. Not only is noise a consideration, but also overlooking to adjacent properties.

Access to the terrace will be via use of a communal stair way shared with the residential accommodation on the second floor situated between the restaurant and the roof terrace. Whilst this accommodation is used by staff there may be minimal problem, but unless there is an existing condition stating that the accommodation only be used for staff this arrangement would be unacceptable to occupants of the second floor.

Cleaning and servicing of the terrace will need to be completed after closing or prior to opening thereby extending the period of use for the terrace. It is likely that the applicant will wish to play 'background music', but this would not be acceptable to Environmental Health. Any music will encourage raising of voices and hence an increase in the overall noise level. There is also the potential for the volume to be increased above a background level, i.e., that at which a conversation can be held without raising the voice, resulting in disturbance. The potential for noise disturbance/nuisance needs to be planned out rather than dealt with as an ongoing issue during permitted use of the terrace. Decorative planters and other miscellaneous items would need to be firmly secured to avoid them being displaced over the parapet.

5.7 Designing Out Crime (Police) Officer – Objection

The design and access statement advises that access to the roof top bar will be via the communal staircase. This staircase currently serves the residential apartments on the second floor. The effect of this development will be to allow members of the public unrestricted access to the communal areas of this building

during the bar's opening hours (currently proposed as midday to 11pm 7 days a week), this significantly increases the opportunities for crime and disorder. To reduce the opportunities for crime and disorder, access to the proposed roof top bar must be completely separate to that used by residents to access their apartments.

The premises is within a residential area. The proposal is to create a roof top bar. Roof top bars can lead to complaints of: items being thrown from the building and noise from the residents of other nearby dwellings. The proposal does not show how this type of incident is to be mitigated. We would be concerned if consent were given without any mitigation in place.

Given the above Hampshire Constabulary cannot support this application

5.8 **SCC Built Heritage – No Objection**

The revisions have reduced the length of the rooftop unit and have shifted the building and the glazing barrier south to create more of a gap between the new structure and the buildings edge, and in doing so, would reduce the impact on the neighbouring building and the buildings prominence in the views to the proposed structure from the streetscene below.

As such, although there may be issues with the use of the roof as a roof top bar in terms of access and noise, the physical characteristics of the proposals would be considered to have a neutral impact on the character and appearance of this part of this part of the conservation area and the neighbouring building, and for these reasons it would be difficult to sustain a refusal of the scheme from a conservation perspective on this occasion.

5.9 **SCC Urban Design – No objection**

I support and endorse the views expressed by the Conservation Officer

5.10 **City of Southampton Society – Objection**

We see no justification in omitting the installation of an extended extraction system which was included in the original application and on this basis would recommend that the application be declined. Many local residents have objected on the grounds of noise, especially late at night. We would now like to add our support to these residents and recommend that the application be refused on the grounds of 'The Impact of Noise' and 'Late night Disturbance'.

6.0 **Planning Consideration Key Issues**

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character and the setting;
- Residential amenity; and
- Late night uses and mitigation

6.2 **Principle of Development**

6.2.1 The application site is located within an area designated as an evening zone. Therefore Policy AP8 of the City Centre Action Plan applies. This policy actively

seeks to promote the night time economy within certain areas of the City. Policy AP8 permits an opening hour for such uses as that proposed of up to midnight with the Oxford Street area. The proposed opening hours are Midday to 11pm.

- 6.2.2 However, the presumption in favour of such development also relies on the proposal satisfying other policies, *'particularly those to protect residential amenity and retail areas'*. The creation of any new bars should not be to the detriment of the amenities of any neighbouring residential uses for example by causing undue noise and disturbance.
- 6.2.3 The proposal would also need comply with the requirements of saved policy REI7 of the Local Plan Review (as amended 2015). This policy relates to new food or drink uses. Whilst promoting such uses within the city the policy also seeks to protect the amenities of neighbouring residential uses from undue noise or other forms of nuisance from food and drink uses.
- 6.2.4 Furthermore, saved Policy SDP 1 of the City of Southampton Local Plan Review states, amongst other things, that planning permission will only be granted for development which does not unacceptably affect the health, safety and amenity of the city and its citizens.
- 6.2.5 Core Strategy Policy CS13 requires development to 'respond positively and integrate with its local surroundings' and 'impact positively on health, safety and amenity of the city and its citizens'.
- 6.2.6 Whilst the principle of the use and rooftop development with the conservation area can be supported, it is considered that the detailed proposals will result in harm to existing residential amenity and safety, which cannot be mitigated for the reasons set out later in this report.

6.3 Design and effect on character

- 6.3.1 Paragraph 124 of the National Planning Policy Framework confirms that good design is a key aspect of sustainable development and indivisible from good planning and paragraph. Paragraph 127 seeks to ensure that developments function well and add to the overall quality of an area and ensure a high-standard of amenity for existing and future users. It leads onto say that development should be *'sympathetic to local character and history, including the surrounding built environment and landscape setting'*.
- 6.3.2 The application site is located with the Oxford Street Conservation Area. Directly to the west of the application site is the Booth Centre (a locally listed building).
- 6.3.3 The statutory tests for the proposal, as set out in section 72 (Conservation Areas) of the Planning (Listed Building and Conservation Areas) Act 1990, are: whether the proposal would preserve or enhance the character or appearance of the Conservation Area. The NPPF requires the proposal to be assessed in terms of the impact on the significance of the building having regard to:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and;
- The desirability of new development making a positive contribution to local character and distinctiveness.

- 6.3.4 In accordance with para 189 of the NPPF, an assessment of the significance of the nearby heritage assets is set out in the Council's Conservation Area Appraisal. With respect to the Oxford Street Conservation Area Appraisal (OSCAA) the main aim is as follows; 'Designation of the Oxford Street Conservation Area does not prevent change from taking place. Rather it helps to manage change in a way that enhances the area, and ensures that new development does not harm, overwhelm or destroy the special qualities found within it, by giving additional controls over the demolition of buildings, minor developments and the loss of trees.'
- 6.3.5 Policy HE1 of the City of Southampton Local Plan Review states permission will only be granted if the proposal meets the following; (i) must preserve or enhance the character and appearance of the conservation area, having regard to the Conservation Area Character Appraisal where available;
- 6.3.6 The existing property is a modern building of limited architectural merit. It contributes very little to the significance of the Conservation Area as a heritage asset. The new timber clad unit would be sited on the western side of the roof and it would be set-in from the property edges. It would also be similar in design and appearance to the existing timber-clad unit already located on the roof top. On this basis the proposed materials do not give rise to any concern, however appropriate materials can be secured by condition if the application were successful.
- 6.3.7 During the consideration of the application the position of the north elevation of the bar has been set back a greater distance from the existing north and west parapet walls. This amendment reduces the prominence of the additional structure when viewed from the public realm within Oxford Street below. It also allows views to be retained of the upper level windows on the eastern face of the adjacent locally listed building The Booth Centre, which is recognised as a distinctive building in the conservation area with a strong design style, palette of materials, and high gabled roofscape.
- 6.3.8 Limited detail has been provided with regard to the proposed glass balustrades. Whilst these features are not likely to be considered intrusive an appropriate design would need to be secured. Such design details could be secured by a planning condition in order to ensure that the units would be fully transparent and non-reflective.
- 6.3.9 The roof terrace could also be expected to require external lighting. No details of any external lighting are included as part of the proposal. However, a lighting scheme could be secured by condition. Any advertising or signage would be the subject of a separate planning application.
- 6.3.10 As stated above the proposal is located within an evening zone. As such similar sui generis uses are present within the vicinity. However, such uses are predominately located at street level rather than the upper floors or rooftops. Policy

AP8 of the core strategy does permit such uses within this area up to an opening time of midnight. It does not restrict such uses to the ground floor only. However, the policy does seek to preserve the amenity of neighbouring occupiers that will be discussed later in this report.

6.3.11 As such, the revised design, with a greater set back from the Oxford Street elevation is considered appropriate, retaining views of the neighbouring locally listed building, and subject to planning conditions preserving the character of the Oxford Street Conservation Area.

6.4 Residential amenity

6.4.1 The neighbouring properties to the application site (Havelock Chambers and the Booth Centre) contain residential accommodation on the upper floors. The existing building is also mixed use with some residential.

6.4.2 Policy AP8 relates to evening zones and late night hubs. This site falls within that zone. The policy AP8 identifies evening zones which contain a concentration of existing pubs, bars and nightclubs but are generally either within or close to residential areas. Proposals for new uses with Oxford Street which require planning permission, and are otherwise acceptable, will be subject to restricted opening times of midnight. While Policy AP8 encourages new uses associated with the night time economy within these evening zones it does state that *'this is subject to meeting other policies, particularly those to protect residential amenity and retail areas'*

6.4.3 Policy RE17 relates to a number of uses including Food and Drink uses including restaurants, public houses, and wine bars. The policy does advise that such uses *'have their place in the community and can add to vitality of shopping centres.'* But the policy also advises that *'there is the potential for significant nuisance that warrants the refusal of permission. The potential for noise from the premises is cited as one of those reasons.'*

6.4.4 In this instance the proposed bar will be located in an elevated position on the rooftop of 50 Oxford Street. This is a location that departs significantly from existing food and drink uses which are located on the lower floors of Oxford Street. Aside from comprising of available space, there is no specific justification for requiring an upper floor location for this use, especially where there is identifiable harm.

6.4.5 Criteria II of policy RE17 states that *'any adverse impact on the amenities of neighbouring residential premises by reason of noise and disturbance within the premises can be prevented by the installation of sound attenuation measures by appropriate conditions'*. It is noted that the bar structure has been positioned between the residential accommodation of the Booth Centre and the customer terrace. Given the open nature of this terrace and the proximity of neighbouring residential accommodation there is significant concern that the proposal would result in a level of noise and disturbance that would be considered detrimental to the amenities of the occupiers of those residential units and those of the neighbouring residential properties to the south within Havelock Chambers. In addition the open nature of the roof terrace there is limited opportunity for sound attenuation measures to be secured by condition to overcome those concerns.

Neighbouring residential units to the next to and above would not be screened from the noise and disturbance from the bar and roof terrace.

- 6.4.6 Furthermore, the proposed bar will be accessed via a communal staircase. This staircase will be shared by the occupants of the flats at 50 Oxford Street and the patrons of the roof terrace. This staircase would also be the only route available to the roof top for deliveries and transporting of waste to the ground floor level. It is noted that the proposal advises that door staff and security will be present on site to manage these areas, It is also noted that additional doors are to be sited adjacent to the stairwell to act as a further physical barrier, and to mitigate noise disruption. However the proposal will require patrons to access the roof terrace via a shared internal staircase which is likely to result in an increase in noise and disturbance to the occupiers of the existing residential units within 50 Oxford Street. This would result in undue and significant harm to the amenities of the existing occupiers of the neighbouring residential properties.
- 6.4.7 With regard to the privacy amenity of the neighbouring occupiers given the bar area does not contain any openings on the west elevation, and screens views from the customer terrace the proposal is not considered to result in any harmful overlooking into the Booth Centre.
- 6.4.8 Whilst there are windows serving habitable accommodation on the north elevation of Havelock Chambers it is noted that previous consents have designated this area adjacent to Havelock Chambers and appropriate for use as a residential amenity area. Given the separation provided by the highways of Latimer Street and Oxford Street the proposal is not considered to result in any materially harmful overlooking to the properties to the north, east or south.
- 6.4.9 Due to the proposals shared access with the existing residential properties of 50 Oxford Street and the elevated position, and relatively open nature of the roof top bar and customer terrace, the proposal is considered to be to the detriment to the amenities of neighbouring properties by reason of noise, and disturbance caused as patrons enter leave the premises and make use of the roof terrace. Objections are also noted from SCC Environmental Health and Hampshire Constabulary, which should be afforded significant weight in the Panel's deliberations. The proposal would thereby prove contrary to and conflict with 'saved' policies SDP1, SDP16 and REI7 of the City of Southampton Local Plan Review (amended 2015) as supported by Policy AP8 of the adopted City Centre Action Plan (2015) and the guidance contained within the National Planning Policy Framework 2019.

6.5 Late Night Community Safety Facilities Obligation

- 6.5.1 As this application sits within the city centre and is opening past 10pm it triggers the Late Night Community Safety Facilities obligation, which will likely attract a financial contribution to contribute to community safety measures, such as Late Night Bus, CCTV, street cleansing etc.
- 6.5.2 In order to secure these monies a Section 106 Agreement (S106) is required, which will include the above obligation, a private CCTV System obligation and a Highway Condition Survey obligation. (It is also important to note that the applicant is liable for the Council's legal fees in relation to the S106 and also the S106 Monitoring Charge).

6.5.3 Whilst the applicant has verbally indicated that they may be willing to reduce the opening hours to 10pm this has not been confirmed in writing following requests. Furthermore No s106 agreement has been secured as part of the proposal. The lack of 106 Agreement forms a reason for refusal.

7. Summary

7.1 In terms of its scale, siting and visual appearance the proposed bar structure is considered to be acceptable. Similarly, the principle of additional late night uses in Oxford Street is supported. However, due to the proximity of the neighbouring habitable accommodation of Havelock Chambers and the Booth Centre, alongside existing residential on site, and the open nature of the proposed roof terrace, the proposal will be to the detriment of the amenity of those properties through the increase in noise and disturbance .

7.2 Furthermore, although it is noted that occupants of the flats beneath 50 Oxford Street have written in support of the proposal, the design of the shared access via the communal staircase is not appropriate and is likely to result in noise and disturbance to the occupiers of those residential properties (both now and subsequent occupants) and patrons enter and exit the premises. It is also noted that the Designing Out Crime (Police) Officer considers the communal stairwell to give rise to potential crime and disorder.

7.3 A section 106 Agreement for the Late Night Community Safety Facilities obligation has not been secured, but could be in the event of a refusal and subsequent appeal

8. Conclusion

8.1 It is recommended that planning permission be refused.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) (e) (f) (g) 4. (g) (mm) 6. (a) (b)

MT for 22/06/21 PROW Panel

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS1 City Centre Approach
CS3 Promoting Successful Places
CS13 Fundamentals of Design
CS14 Historic Environment
CS25 The Delivery of Infrastructure and Developer Contribution

City of Southampton Local Plan Review – (as amended 2015)

SDP1 Quality of Development
SDP4 Development Access
SDP10 Safety & Security
SDP11 Accessibility & Movement
SDP16 Noise
HE1 New Development in Conservation Areas
HE2 Demolition in Conservation Areas
HE4 Local List
REI7 Food and Drink Uses (Classes A3, A4 and A5)

City Centre Action Plan - March 2015

AP 8 The Night time economy
AP 16 Design

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Planning Obligations (Adopted - September 2013)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

Case Ref:	Proposal:	Decision:	Date:
99/01219/FUL	Change of use of ground floor to A3 (restaurant), external alterations and provision of 7.5m high extract flue.	Application Refused	04.01.2000
990118/E	Change of use of ground floor from offices to Retail (class a1)	Conditionally Approved	17.05.1999
03/01460/FUL	Redevelopment of the site by the erection of a 7 storey building comprising of restaurant (Use Class A3) at ground and basement levels with 9 no. residential units above.	Conditionally Approved	26.07.2004
03/01464/CAC	Demolition of existing office building.	Conditionally Approved	24.02.2005
05/00021/FUL	Erection of a seven storey building to comprise a restaurant/bar (A3 Use Class) at ground and first floor levels with 7 x 2 bedroom flats above, following the demolition of existing office building	Conditionally Approved	05.10.2005
05/00022/CAC	Demolition of the existing three storey office building	Conditionally Approved	05.10.2005
06/00859/FUL	Erection of a seven-storey building to provide Restaurant and Cafe and Drinking Establishment uses (Use Class A3 and A4) at ground and first floor level with 13 flats above (2 studios, 9 x one bedroom flats, 2 x two bedroom flats) following demolition of the existing office building.	Conditionally Approved	06.09.2006
11/01022/FUL	Change of use of ground floor and part of first floor to create restaurant (Class A3/A4) and conversion of part of first floor and second floor to 4 x one bed flats with residential roof	Conditionally Approved	11.10.2011

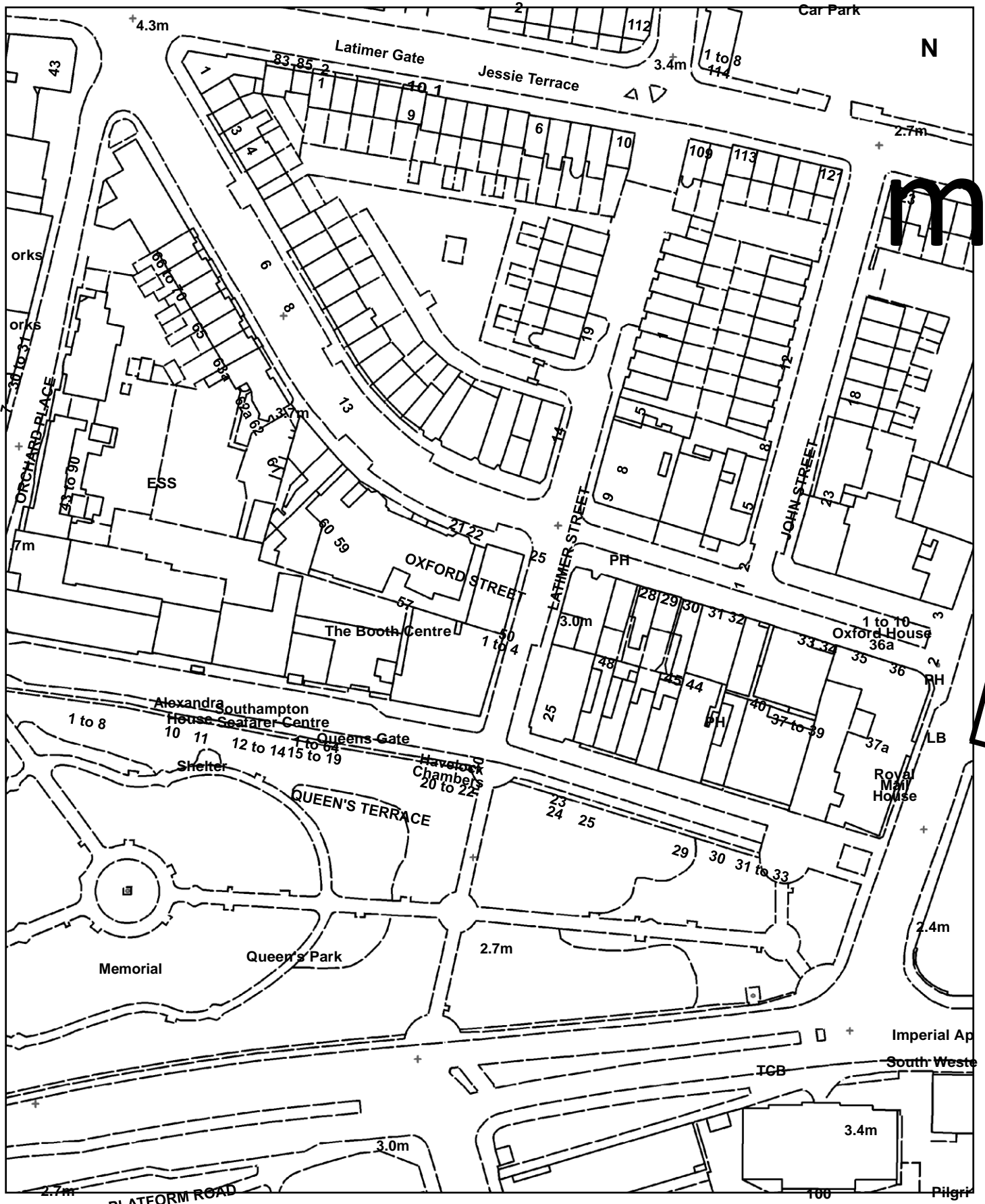
	terrace and associated storage		
13/00410/MMA	Minor material amendment sought to planning permission ref 11/01022/FUL to reduce the number of residential units from 4x 1-bed to 3x 1-bed flats	Conditionally Approved	05.08.2013
13/00724/ADV	Installation of 2 x internally illuminated fascia signs, 1 x externally illuminated projecting sign and 4 x internally illuminated menu/poster cases.	Split Decision for Advert	27.06.2013
13/01286/ADV	Installation of 2 x externally-illuminated fascia signs	Conditionally Approved	18.09.2013
15/00351/FUL	Erection of timber storage shed and entrance feature on roof terrace (retrospective)	Conditionally Approved	28.08.2015
16/00625/ADV	Erection Of 1 X Internally Illuminated Fascia Signs And 2 Non-Illuminated Banner Signs	Conditionally Approved	24.06.2016

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Agenda Item 6

20/00947/FUL

Appendix 1



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Dock Gate Number 4 Gas Meter House Portcullis House Union Castle House



Agenda Item 7

Planning and Rights of Way Panel 22nd June 2020 Planning Application Report of the Head of Planning & Economic Development

Application address: Mansel Park, Kendal Avenue, Southampton			
Proposed development: Erection of standing/seated stands			
Application number:	20/00024/FUL	Application type:	FUL
Case officer:	John Fanning	Public speaking time:	5 minutes
Last date for determination:	04.03.2020	Ward:	Redbridge
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Guest Cllr McEwing Cllr Spicer
Referred to Panel by:	N/A	Reason:	N/A
Applicant: Mr McManus		Agent:	

Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies –CS13 and CS21 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, 4, 5, 7, 8, 9, 10, 11, 12 and CLT3 of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 The application site relates to part of Mansel Park, a prominent public open space within Redbridge Ward. The surrounding area is primarily residential in nature although there are some commercial premises.
- 1.2 The proposal relates to an existing football pitch and alterations to facilitate this use. At present the site is utilised by a local club (Bush Hill FC) who wish to improve the facilities to comply with the requirements of a higher ground grading in order to allow entry into higher level leagues.
- 1.3 The nearest residential units to the application site is the flatted block to the south, situated 9.5m from the edge of the proposed fencing. The closest stand is situated 48m from the nearest residential property.

2. Proposal

- 2.1 The application proposes a number of physical alterations to the application site. In terms of physical alterations, the application includes two proposed seating/standing stands to serve as ancillary to the existing football pitch. Each stand it proposed to provide capacity for around 50 spectators. The seated stand has a footprint of 1.8m by 9.6m and a height of 2.7m. The standing stand has a footprint of 1.3m by 11m and a height of 2.9m. A further area of hard surfacing is also proposed to provide provision of cycle storage for spectators and other users of the premises.
- 2.2 It is noted that the plans also show a fence enclosing the site. It has been proposed that this fence will be 1.8m tall. It is noted that in accordance with Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the erection of a fence up to 2m high does not need planning permission provided it does not create an obstruction to the view of someone using the highway and is not adjacent to a highway used by vehicular traffic. In this case it is considered that the proposed fencing is well set back from the immediate highway and as such would not, in itself, need planning permission.
- 2.3 With reference to the above, it is therefore not considered that the provision of the fencing falls within the remit of this application to consider.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the

NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners and erecting a site notice (21.01.2020). At the time of writing the report **27** representations have been received from surrounding residents; 12 in objection and 15 in support. The following is a summary of the points raised:

Support

- 5.2 ***Proposal represents a positive contribution to the provision of local community facilities***

Response

The proposal will contribute positively to the retention and vitality of an existing local community facility, though it is noted that these benefits must be balance against the potentially harmful impacts on nearby occupiers. This matter is considered in more detail in section 6 below.

Objection

- 5.3 ***Proposal will exacerbate existing parking issues in the surrounding area and cause highways safety issues***

Response

The applicant has produced a transport statement to outline how the additional activity generated with the site will be managed. The Council's highways team have reviewed the submitted details and, in the context of the proposed use of the application site and submitted documentation, raised no objection.

- 5.4 ***Proposal will facilitate an intensification of use of the site which will result in a harmful additional impact on nearby occupiers in terms of additional activity and other comings and goings***

Response

It is considered that the application has been proposed to facilitate a more intensive use of the site when compared to the existing community space. The benefits of improved community facilities must be balanced against the potential impacts on nearby residents. In this case the site is considered to be well set back from immediately adjoining residential properties and the impacts associated with additional noise and activity are not considered to prove substantially harmful to neighbouring occupiers given the nature of the proposed use and context of the site.

5.5 ***Proposal will block light/views into park from nearby dwellings***

Response

It is considered that the proposed stands are modest in scale and well set back from nearby properties. It is not considered they will represent a substantially harmful impact on the amenities of existing residential occupiers.

5.6 ***Proposal will restrict public access to the park***

Response

In the submitted plans, the applicant has indicated an intention to encircle the existing football pitch with a 1.8m high fence. As noted in paragraph 2.2, this fence would not in itself require planning permission and as such does not fall within the scope of this application to consider. It is noted that the land to which the application site relates does not fall within the applicants ownership and any such works would require the owners consent to undertake. In this case the land falls within the Councils ownership and, separate to the Councils authority as the Local Planning Authority, would retain control of the land regardless of the outcome of any planning application and could control access as it sees fit.

5.7 ***Proposal will result in anti-social behaviour issues and potential late night disturbance associated with the alterations***

Response

As noted above, the fencing and enclosure of the space does not fall within the remit of this application to consider. Notwithstanding how the access to this space worked and future management would remain in the Council's control for consideration as land owner.

Consultation Responses

5.4 **SCC Highways** – In the context of the proposed use, local community nature of the facility and details of transport management outlined, no objection is raised. The applicant is encouraged to contact the Southampton My Journey Travel Planning team for future support and grants in the future.

5.5 **SCC Open Spaces** – No objection subject to details of soft landscaping to minimise the visual impact of development in the context of the surrounding park. Keen to maintain community use of the space.

5.6 **Southampton Commons and Parks Protection Society** – Concern regarding material treatment of fencing ensuring that adequate public access is retained to park space in the wider context of the city. Concern that plans are insufficiently detailed/inaccurate.

5.7 **Sport England** – No objection.

6.0 Planning Consideration Key Issues

6.1 The application site currently forms part of an existing park with a football pitch situated on it. The proposal relates to alterations to the surroundings of the football pitch to facilitate its use for a more formalised level of community football use, including the installation of stands for spectators. As such the key issues are:

- Principle of Development;
- Design;
- Highways Impact; and,
- Permitted Development Assessments

6.2 Principle of Development

6.2.1 Paragraph 92 of the NPPF along with CS21 of the Southampton City Council Core Strategy and numerous policies in the Councils Local Plan identify the importance of providing good quality open space and community facilities. The site will remain in its present use. In principle no objection is raised to improvements to the community facilities to support this use however the impacts of these alterations will need to be considered in terms of any subsequent impacts associated with a potential intensification of use or other impacts on nearby residential properties.

6.3 Design and effect on character

6.3.1 The application proposes additional areas of hard standing to create more cycle storage and the erection of two stands to provide spectators with a seating and standing area.

6.3.2 Overall, it is considered that the design and appearance of these structures would not appear substantially harmful to the surrounding context of the park. The structures are well set back from neighbouring residential dwellings and in terms of the proposed scale it is not considered that they would introduce a harmful impact in terms of the creation of an overbearing or overshadowing form of development. The main context of the structures would be the existing nearby single storey ancillary structure for the football pitch. On balance it is not considered that the appearance would be substantially harmful to the character of the park or surrounding street scene.

6.4 Highways and associated issues

6.4.1 There is some potential for the provision of additional stands and the formalisation of community use of the football pitch to result in additional activity and other comings and goings to the site which may have a knock-on impact to the wider area. As such, the applicant has provided a number of documents including a Transport Statement and match day traffic plan. These have been reviewed by the Council highways team who have raised no objection.

6.4.2 The traffic plan and transport statement outline the existing available nearby off-road parking (totalling 50 spaces) and the availability of other access to the site in terms of public transport options, with no substantial changes proposed to this existing arrangement. It is likely that the most intensive use of the site in terms of additional visitors will be on match days, with the provision of a match day traffic

plan which outlines how visitors will be managed and discourages from utilising surrounding on-road parking where possible. Further to the above, additional cycle parking capacity is proposed as part of the works in order to minimise disruption for nearby occupiers. Specific details have not been provided at the current stage though the applicant has proposed 50 spaces to accommodate match day demand. A Condition has been recommended to secure further detail in this regard.

- 6.4.3 Overall, taking into account the local community nature of the use it is not considered that the alterations proposed would result in a substantially harmful increase in additional parking demands when compared to the existing situation. It is considered that the details outlined in the traffic plan and transport statement are sufficient to address the potential impacts associated with the additional facilities proposed and as such no objection is raised in this regard.

6.5 Fencing

- 6.5.1 It is noted that the plans submitted with the application include the erection of fencing to surrounding the football pitch and additional stands. It is noted that a fence in this location up to 2m high would, typically speaking, not require planning permission and it would appear that the fencing proposed would fall within this remit and as such would not in itself require planning permission. As such it is not proposed to impose any restrictions in this regard as part of the planning application process.
- 6.5.2 Notwithstanding this, it is noted that the erection of this fencing would have the potential to subdivide the existing open football pitch from the rest of the public open space. Given the erection of the fencing does not require planning permission it is not felt that this element can reasonably be controlled as part of the current planning application – however it is noted that the Council also acts separately as a third party to the current application in its role as land owner. If the Council as land owner wishes to impose restrictions or requirements on the use/installation of the land and potential fencing following the grant of planning consent that would be a matter outside the remit of the planning process in this case.

7. Summary

- 7.1 The application proposes the erection of a pair of stands for spectators and area of hard standing to create additional cycle storage for an existing community football pitch situated in a park. Overall, it is considered that the physical alterations will have a relatively minor impact on the character of the surrounding area and street scene while providing improved facilities for an existing community use. It is considered that the applicant has demonstrated the surrounding area has sufficient capacity to minimise the impact of disruption on match days in terms of additional highways pressure.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

JF for 22/06/21 PROW Panel

PLANNING CONDITIONS

01. Full Permission Timing Condition (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Materials (Performance)

The proposed stands shall be erected in accordance with the materials outlined in the submitted plans (Drawing No 006A and 007A).

Reason: To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality.

03. Landscaping (Pre-Commencement)

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. proposed finished ground levels or contours; means of enclosure; car parking layouts; other vehicle pedestrian access and circulations areas, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- iii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iv. details of any proposed boundary treatment, including retaining walls and;
- v. a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The

Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

04. Cycle storage facilities (Pre-Occupation Condition)

Before the development hereby approved first comes into occupation, storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

05. Travel (Performance)

The development shall operate in accordance with the details outlined in the submitted Match Day Traffic Plan and Transport Statement.

Reason: To minimise the wider impacts on nearby residents.

06. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS21	Protecting and Enhancing Open Space
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
CLT3	Protection of Open Spaces

Supplementary Planning Guidance

Planning Obligations (Adopted - September 2013)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

18/00394/FUL, Erection of a screen fence with gates around football pitch
Withdrawn, 27.04.2018

13/00634/FUL, Erection of a single-storey building to contain changing rooms, showers, toilets, store and refreshment area. Formation of a football pitch with adjacent seating area, 1.1m perimeter barrier, 2m high security fence and 1m x 100m long strip of hardstanding.
Conditionally Approved, 24.06.2013

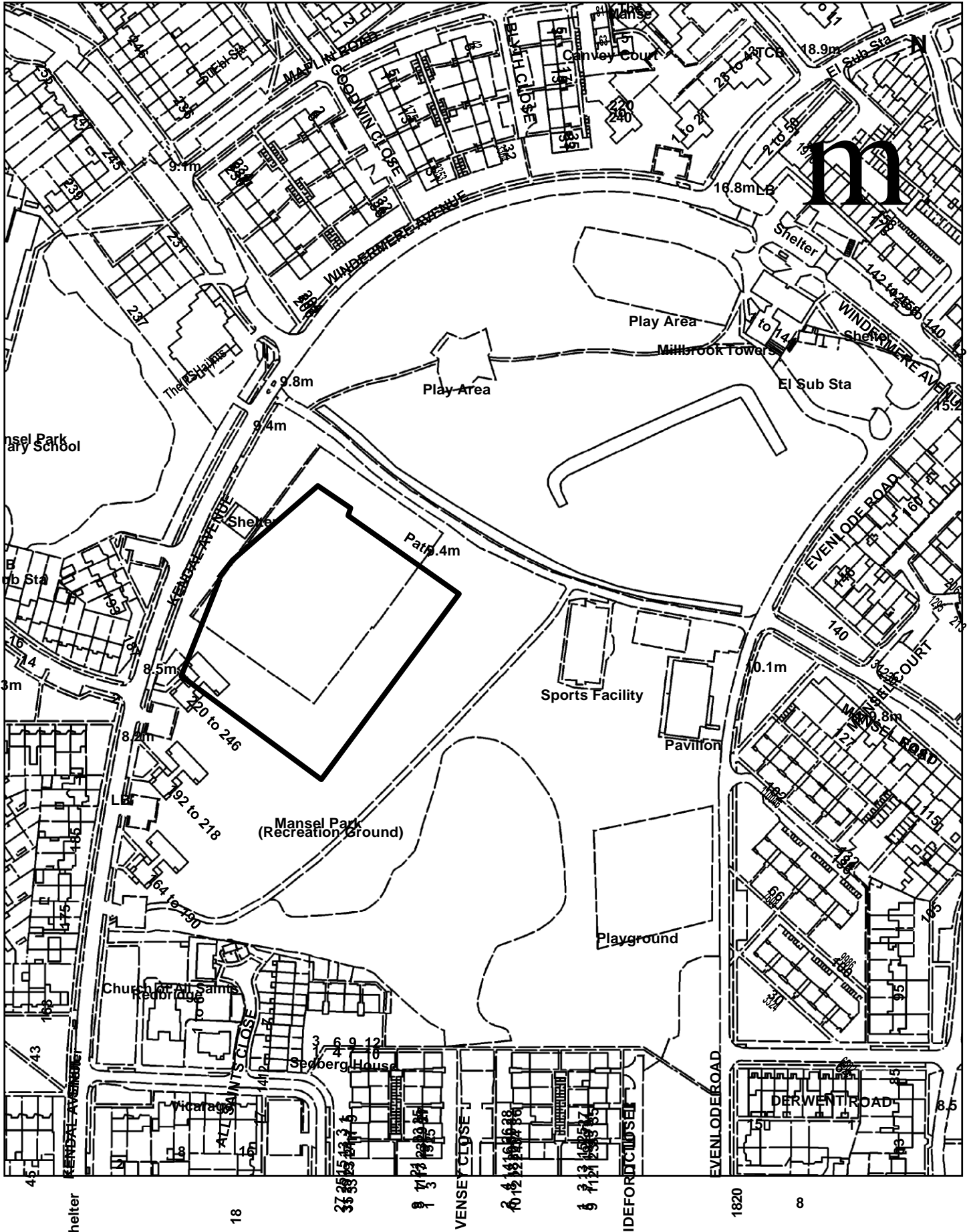
10/01800/R3CFL, Proposed development 6x 6m of lighting columns along footpath and 4x 8m lighting columns at Adizone sport facilities
Conditionally Approved, 14.02.2011

10/01068/R3CFL, Creation of a new footpath, and extension of existing canopy to Adizone
Conditionally Approved, 15.10.2010

06/01558/R3CFL, Formation of earth bund (90cm in height) along the North Western boundary and other landscaping works.
Conditionally Approved, 19.12.2006

06/00197/FUL, Formation of shared use pedestrian/cycle path.
Conditionally Approved, 04.04.2006

06/00195/FUL, Construction of a new building to comprise a community centre, boxing club and parks facility with associated car parking and cycle storage.
Conditionally Approved, 04.04.2006



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Agenda Item 8

Planning and Rights of Way Panel 22nd June 2021 Planning Application Report of the Head of Planning & Economic Development

Application address: 248 Priory Road, Southampton.			
Proposed development: Retrospective alterations to site layout to allow an additional parking space resulting in a reduced garden size for block B and alterations to the landscaping to the front of block D to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users (Amended Description)			
Application number:	20/01676/FUL	Application type:	FUL
Case officer:	Mathew Pidgeon	Public speaking time:	5 minutes
Last date for determination:	29.06.2021 (Extension agreed)	Ward:	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received.	Ward Councillors:	Cllr Lisa Mitchell Cllr Gordon Cooper Cllr John Savage
Applicant: Homer Parady Developments		Agent: Planning Precision Limited	

Recommendation Summary	Conditionally Approve.
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations including character, residential amenity and highways safety have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12 and H2 of the City of Southampton Local Plan Review (Amended 2015) and CS13, CS19, CS20 and CS22 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached	
1	Development Plan Policies

Background.

The application was submitted to address the site layout and landscaping alterations which has become the subject of a planning enforcement enquiry received in 2020. The main reason the site layout has been altered, including position of boundary fences serving block B, is the location of the underground services that run through the centre of the site. As a

consequence, the plot size for block B has reduced in size from 284sq.m to 246sq.m, this is so that in the event that the services need to be accessed a residential garden will not need to be disturbed. In addition, the applicant is seeking to add an additional visitor car parking space for users of the pontoons and slipway, located at the western end of the site.

1 The site and its context

- 1.1 The application site has an area of 0.14 hectares and comprises a long-elongated plot which extends from Priory Road to the River Itchen. The site contains a recently completed development of 2 x 3 bed detached houses (blocks A and B), 2 x 3 bed semi-detached houses (block D) and a block of 5 x 2 bed flats (Block C) with associated driveway, cycle parking, bin storage and footpath access to the River Itchen. The frontage building is two-storey with an open forecourt to Priory Road. The site has pontoons and a slip way fronting the River. The site is enclosed by a mature hedgerow and close boarded fencing along the northern boundary and a block wall along part of the southern boundary.
- 1.2 The communal areas of the site are formed by hard and soft landscaped areas. At the eastern end there is also an 'emergency vehicle area' that uses an engineering solution to allow vehicles to access the area of grass for parking/manoeuvring purposes.
- 1.3 The rear portion of the site (behind block A) is privately accessed by automated gates and a shared pedestrian and vehicular access/driveway.
- 1.4 The surrounding area is predominantly residential in character and there are other examples of backland waterfront development. The neighbouring plots to the north have undeveloped rear gardens however the pattern of development to the south contains development closer to the River and the neighbouring development at Cobden Marine contains two detached flatted blocks. There are no parking restrictions within Priory Road and gardens are varied in size within the neighbourhood.
- 1.5 The application site contains a total of 16 car parking spaces as approved under application 19/00631/FUL. This layout resulted in the removal of two car parking spaces approved under the original consent (15/00561/OUT).

2 Proposal

- 2.1 The proposal seeks to regularise the site layout which has been altered from the originally approved layout for two reasons:
- 2.2
 - To ensure that below ground services are not positioned within the boundary of block B.
 - To allow an additional parking space for pontoon users when accessing the pontoons and slip way fronting the River; and
Alterations to the landscaping to the front of Block D with the installation of a grass geocell system to enable sufficient space for emergency vehicle turning and for loading and unloading for pontoon users.
- 2.3 As a consequence, the size of the garden allocated to the three-bed house (block B), which occupies a central position within the site, has reduced in size. The plot size of block B as approved under applications 16/01741/FUL & 19/00631/FUL

measured 284sq.m. The reduced plot size is now 246sqm; a reduction of 38sq.m. As a consequence, the rear portion of garden serving the property now measures 93sq.m rather than 116sq.m.

2.4 This planning application is required under section 73A 2 (c) of the Planning Act because planning permission is required when a development is not carried out in accordance with a condition(s). In this case the following conditions have not been complied with:

2.5 Condition 3 of permission 19/00631/FUL: which requires the hard and soft landscaping to be provided and retained:

Landscaping

Notwithstanding the submitted site plan (drawing no. 220-35 Rev) by Amplio Architecture, the planning permission hereby granted shall conform with the layout as shown on landscape drawing 2017/2D with a 2m landscaping strip provided which incorporates 4 no. red robin trees adjacent to the rear boundaries of 250 and 252 Priory Road.

The development shall be carried out fully in accordance with landscaping drawing 2017/2D by Partridge Associates.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

2.6 Condition 4 of permission 19/00631/FUL, which requires the access to be provided and retained:

Parking (Pre-Occupation)

The parking and access shall be provided in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

- 4.1 In 2017 full planning permission was granted for the conversion of the existing frontage building into a 3 bed house and erection of 1 x 3 bed detached house, 2 x 3 bed semi-detached houses and a block of 5 x 2 bed flats (8 dwellings in total) with associated parking and cycle/refuse storage following demolition of buildings to the rear (16/01741/FUL).
- 4.2 In 2018 the landscaping condition relating to application 16/01741/FUL, for the redevelopment of the site, was discharged under application 17/01887/DIS.
- 4.3 Then in 2019 there was a change to the site area which included a reduction in overall size and consequently the removal of two car parking spaces; these changes were granted under planning application 19.00631/FUL.
- 4.4 Most recently in 2020 planning permission (ref: 20/00095/FUL) was also granted for the election of a cycle store & WC to be used by people accessing the River from the site.

5 Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners via letter and a site notice was erected **29.01.2021** for neighbour comments. At the time of writing the report, **9** representations from surrounding residents have been received. The following is a summary of the points raised:

- 5.2 ***The proposed parking space would impede the pedestrian walkway required by condition 6 of planning permission 16/01741/FUL & 5 of planning permission 15/00561/OUT:***

APPROVAL CONDITION - Pedestrian access

Notwithstanding the plans hereby approved, a revised layout incorporating a demarcated route for pedestrians shall be submitted and agreed upon in writing by the local planning authority. Demarcation can be achieved via lining, different colour or pattern of the surface treatment. Reason: In the interests of pedestrian safety.

Response

Within the shared driveway the site has the character of a 'home zone' and traffic speeds are not expected to be high given the overall small area/short length of the shared access and due to the gated entrance. Taken together these factors would reduce traffic speed. Furthermore, the relatively small number of dwellings (8) means that the amount of footfall on site will be relatively low. Cumulatively these characteristics of the site mean that there is little potential for serious conflict on site and provided that drivers behave responsibly and reasonably a demarcated pedestrian route is not essential for pedestrian safety. Furthermore, there is sufficient width within the access for pedestrians and vehicles to safely pass. It is therefore not judged to be expedient to require compliance with the condition.

It is however noted that fly parking has occurred within the access drive and the applicants have agreed to introduce signage to indicate no parking other than in designated parking bays and are also writing to occupiers to advise that they cannot park anywhere in the access road. It is recommended that a condition be added to secure the signage and a management plan to prevent fly parking within the access and to control the parking space and loading/unloading areas for pontoon users, in the interests of pedestrian safety and good design.

- 5.3 ***The access road should be and remain in the approved position for 5 years (19/00631/FUL - CONDITIONAL APPROVAL - Condition 03 "The approved hard and soft landscaping scheme [including parking] for the whole site... The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision").***

Response

The application has been made to regularise the breach of the relevant landscaping, parking and access related conditions. The acceptability of the application will need to be judged against the development plan policies. The planning system does allow for this type of retrospective application.

- 5.4 ***Position of the proposed parking space obstructs manoeuvring space into and out of the adjacent parking space.***

Response

There is sufficient space (in excess of 6m) behind the car parking space to ensure that the proposal would not significantly hinder manoeuvrability and access into/out of the space.

- 5.5 ***When the proposed parking space is in use it is likely to restrict access to larger vehicles such as those used by the emergency services, refuse collectors or delivery companies.***

Response

The width of the access between the parking space and the boundary fence defining block B exceeds 3.6m. This is sufficient to accommodate most delivery and emergency vehicles.

- 5.6 ***Reduced plot and garden size of block B.***

Response

The plot originally approved measured 284sq.m and as a consequence of the proposal the plot size is now 246sqm; this is a reduction of 38sq.m. As a consequence, the size of the remaining private garden, approximately 93sq.m, still exceeds the minimum standards set out in the Residential Design Guide (90sq.m).

- 5.7 ***The freehold owner of the land within the boundary of Block B has not been notified of the development by the applicant. The incorrect certificate has been completed. Block B was sold under the Government's Help to Buy scheme; the Homes and Community Agency have an equity interest.***

Response

Following the initial submission of the application and receiving the comments from landowners effected by the proposal the Council has sought an amended ownership certificate and the applicant has notified all land owners accordingly. A re-consultation exercise was subsequently undertaken to ensure that application is procedurally correct

Note: The title deeds register does not identify Help to Buy/Homes England as an owner, rather they are a lender/mortgage company.

- 5.8 ***The site plan is labelled incorrectly.***

Response

Amended plans have been received to correctly set out how the application differs from the previously approved scheme. The originally submitted plans do not prejudice the application.

- 5.9 ***The driveway was laid over the property boundary reducing the garden of block B after a deposit for the property had been taken and an agreement to enter the purchase. The site layout should revert back to the approved planning permissions.***

Response

Planning permission is being sought to seek changes to the layout of the driveway which consequentially reduces the size of a residential garden; procedurally there is no reason to refuse to determine the application for this reason.

- 5.10 ***Substantial loss of amenity space and green space from block B and from the site as a whole has diminished the character and visual impact of the development. Reduction of landscaping is contrary to the Green City Charter.***

Response

The loss of 38sq.m from an overall site area for block B, that originally measured 284sq.m, is not deemed to be significant. Landscaping improvements outside of the boundary of block B can be incorporated to mitigate and the scheme remains compliant with our adopted standards.

- 5.11 ***Approval of this planning application would risk setting a precedent for this site and others. Other amenity space on this site could be at risk of conversion to driveways and/or parking spaces.***

Response

Each application must be judged on its own merits.

- 5.12 ***The site already has the maximum number of parking spaces (19/00631/FUL "The Councils Parking SPD 2011 actually states that only 16 parking spaces as a maximum are required to facilitate and serve this development").***

Response

The maximum number of parking spaces is based on the number and mix of residential units. The car parking space proposed is not related to the residential units on site rather it is proposed to serve visitors to the marina who require space on site for the purposes of loading and unloading. The additional parking facilities are for pontoon users and not the occupiers of the flats. Unfortunately, the original design did not provide parking to meet the needs of pontoon users.

- 5.13 ***Additional car parking and associated cars would add to the congestion within the development and is contrary to the St Denys Active Travel Zone.***

Response

The development is wholly private incorporating no public highway. The parking proposed is not intended for residents to use rather it is to formalise parking required by visitors to the marina. This would reduce potential parking pressure on the 'emergency vehicle area' that may otherwise be used for loading/unloading purposes and other potential unauthorised parking. Members of the public using the marina have a legal right of access over the land, so it is sensible to provide a formal location within the site for loading and unloading purposes.

Consultation Responses

- 5.14 **Highways Development Management** – No objection. Considering that the route through the site is fully paved and private where we can expect slow vehicular speeds, highways are not insistent on the delivery of the demarcated pedestrian route
- 5.15 **SCC Archaeology** – No objection. No conditions required.
- 5.16 **Urban Design Manager** – The proposed landscaping is not acceptable; apply recommended conditions.

Officer Comment: Following receipt of the comments made by the Urban Design manager amendments have been sort from the developer in an attempt to prevent the need to require further landscaping details post decision. Whilst landscaping plans have been updated and are improved a detailed specification including planting densities are still needed. This can be secured by a time limited condition.

6 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Layout and impact on established character;
- Residential standards;
- Parking highways and transport; and
- Impact on residential amenity.

Principle of Development

6.2 Alterations to the layout of the site, position of boundary treatment, hard & soft landscaping, as a consequence of the position of services running through the centre, is not opposed in principle.

6.3 The principle of reducing the size of a garden, provided that it would remain sufficient overall, meeting the minimum recommended garden size as set out in the Residential Design Guide, and is adequately fit for its intended purpose, is also not opposed.

6.4 It is also not unreasonable to provide a parking space for boat owners who access the moorings, pontoons and slip way fronting the River and who have historically accessed the site from 248 Priory Road. It is however disappointing that the requirements for pontoon users parking and unloading/loading space were not incorporated into the original design for this development. Nevertheless, there is considered sufficient space within the site to accommodate the additional facilities proposed without leading to adverse harm to the layout of the development or the safety of pedestrians using the site.

Layout and impact on established character

6.5 Approximately 38sq.m of the site has been taken from the garden serving block B and has become part of the shared driveway. More specifically the consequence of the amendments, caused by the position of the services running through the centre of the site has led to approximately the same area (quantum) now becoming soft landscaping within the wider site and outside of the boundary of block B. The largest additional area of soft landscaping is between the northern site boundary and the row of six car parking spaces. There has also been a minor increase to the triangular piece of soft landscaping directly behind the rear boundary of number 250 Priory Road.

6.6 Whilst the general arrangement of hard and soft landscaping is supported the specification is yet to be agreed. Planning conditions can be used to ensure that the overall quality of landscaping, in terms of specification and maintenance, is acceptable and where necessary planning enforcement measures can be employed to ensure that compliance is achieved. The introduction of the geoweb

system to the grassed area to the front of Block D will detract from the visual benefits of this soft landscaped area because it will facilitate the use of this area for loading and unloading for pontoon users. However, it would appear that there is existing wear and tear to this grassed area from parking and no controls were imposed on the original planning condition to deter parking within this area. The geoweb system will still allow grass to grow through it and therefore will still provide some visual amenity and permeability for surface water drainage.

- 6.7 Overall whilst these changes do alter the layout of the site the overall character remains one of backland residential development with shared access. The impact of the change is not, however, deemed to be significant and therefore the proposal is not opposed on character grounds.

Residential Standards

- 6.8 The proposal involves a reduction of garden space serving block B. The quality of the accommodation will be affected by the reduction. The acceptability of the residential environment and overall standard of accommodation will be determined by the amount of garden that remains fit for purpose and suitable in size given the character of the area, size of the house and guidance set out in the Residential Design Guide.
- 6.9 The usable garden space behind the rear building line of block B, approved under applications 16/01741/FUL & 19/00631/FUL measures 119sq.m. The plot also incorporated an additional 33sq.m on the northern side of the building that is also judged to be usable (152sq.m in total). As a consequence of the current proposal the garden space behind the rear building line of block B would measure approximately 93sq.m and the garden area to the side, also considered usable, would measure 11sq.m (104sq.m in total).
- 6.10 Garden sizes within the neighbourhood are mixed and there is no strict pattern to follow. The proposed reduction of 38sq.m would thereby result in the garden remaining suitable given the character of the area.
- 6.11 The garden will also remain fit for its intended purposes as it would not be steeply sloping, awkwardly shaped or very narrow. There would also remain the opportunity to sit in both the sun and shade, to accommodate table and chairs, barbeque areas, for the setting out of planting beds and hanging of washing.
- 6.12 The proposed garden also exceeds the minimum garden standards set out in the Residential Design Guide which seeks a minimum of 90sq.m for detached houses.

Parking highways and transport

- 6.13 The alterations to the layout of the site has achieved the addition of a car parking space proposed to serve boat owners with a mooring on the pontoon which is accessed through the site. The position of the car parking space maintains sufficient clearance for emergency vehicles to pass by in the event that there is a need to access the rear properties within the development or the pontoon/slipway access to the River. The alterations also maximise the opportunity for soft landscaping at the same time as ensuring that there is a 6m reversing distance in front of the 6 car parking spaces adjacent to the northern site boundary. There is also a

parking/turning area provided for emergency vehicles on the turfed area in front of the rear two flatted blocks (Blocks C and D).

- 6.14 Pedestrian and vehicular access can be safely achieved along the central route through the site, traffic speeds are not expected to be high so the shared nature of the space is considered appropriate and would not lead to highway danger.
- 6.15 The layout also maintains an overall number of permanent parking spaces for occupants of the dwellings at a ratio that meets the Council's maximum standards.
- 6.16 The use of block pavements can be used to define the proposed car parking space from the rest of the access.
- 6.17 It is recommended that a condition be added to require a management plan for the car park to require details of signage and management arrangements to prevent fly parking within the site access and to ensure the additional parking and loading/unloading areas are made available for pontoon users.
- 6.18 Impact on residential amenity.
- 6.19 The proposals are relatively minor in terms of their overall scale and as such neighbouring amenity is not judged to be significantly harmed as a consequence and saved Policy SDP1(i) is, therefore, satisfied.

7 Summary

- 7.1 Taking the proposed additional car parking space, amended layout and reduced garden size into account there are no reasons to oppose this development. Landscaping improvements can be achieved through the imposition of planning conditions and should it be necessary planning enforcement measures can be used to ensure compliance with those conditions are achieved.

8 Conclusion

- 8.1 It is recommended that planning permission be granted subject to conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) (f) 4.(f) (vv) 6. (a) (b)

MP for 22/06/2021 PROW Panel

PLANNING CONDITIONS:

1.Approved Plans (Performance).

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

2.Landscaping, lighting & means of enclosure detailed plan (Within 1 month).

Notwithstanding the submitted details, within 1 month of the date of this permission a detailed landscaping scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- i. planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate;
- ii. an accurate plot of all trees to be retained and to be lost. Any trees to be lost shall be replaced on a favourable basis (a two-for one basis unless circumstances dictate otherwise and agreed in advance);
- iii. a landscape management scheme.

The approved hard and soft landscaping scheme for the whole site shall be carried out during the first planting season following the date of this planning permission. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990.

3.Car parking space use (Performance Condition).

The car parking space hereby approved shall exclusively be used by boat owners, marina staff and members of the public whilst accessing the moorings, pontoons and slip way fronting the River via the site/248 Priory Road and for no other purposes.

To ensure availability of the space for convenience of access to the marina and to prevent overparking on site by residential occupiers; and in the interests of reducing parking pressure on local roads.

4. Delineation of car parking space (Pre-occupation condition).

Within 1 month of the date of this permission details identifying the method of the demarcation of the car parking space hereby approved shall be submitted to and agreed upon in writing by the local planning authority. The works shall subsequently be carried within a further 2 months of receiving written confirmation from the local planning authority and shall be subsequently retained for the lifetime of the development.

Reason: In the interests of the visual amenity of the development and in order to achieve a high-quality finish.

5. Car Parking Management Plan (Within 1 month).

Within 1 month of the date of this permission a car parking management plan to include management arrangements and details of signage to prevent fly parking within the site access and to control usage of the additional parking area and loading/unloading areas, shall be submitted to and agreed in writing by the Local Planning Authority. The management arrangements and signage shall be carried out, installed and retained as agreed for the lifetime of the development.

Reason: In the interests of pedestrian safety and the visual amenities of the area.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Context
SDP9	Scale, Massing & Appearance
SDP10	Safety and Security
SDP12	Landscape & Biodiversity
H2	Previously Developed Land

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

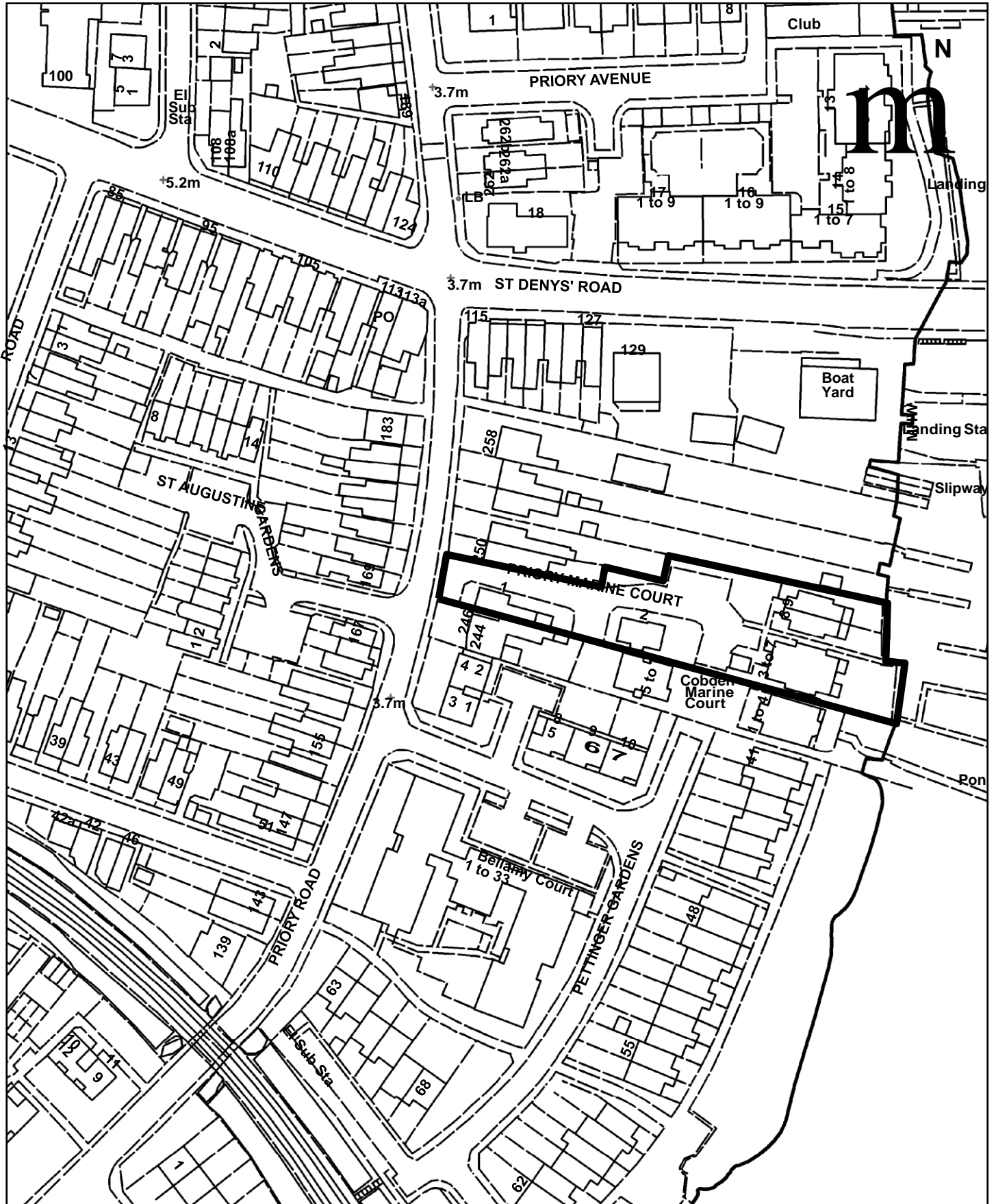
Other Relevant Guidance

The National Planning Policy Framework (2019)
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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Agenda Item 8 20/01676/FUL

Appendix 1



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Planning and Rights of Way Panel 22nd June 2020
Planning Application Report of the Head of Planning & Economic Development

Application address: St Johns Church, St James Road, Southampton			
Proposed development: Redevelopment of the site. Erection of 4 semi-detached houses, with associated access from St. James Road, parking and gardens, following demolition of the existing St John's Centre building (Outline application seeking approval for access, layout and scale) (Resubmission 20/00851/OUT)			
Application number:	21/00162/OUT	Application type:	Outline
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	29.06.2021 (ETA)	Ward:	Freemantle
Reason for Panel Referral:	Request by Ward Member	Ward Councillors:	Cllr Windle Cllr Shields Cllr Leggett
Referred to Panel by:	Cllr Shields	Reason:	Highways safety
Applicant: St. James' Church Parochial Church		Agent: Mr Robin Reay	

Recommendation Summary	Delegate to the Head of Planning & Economic Development to grant planning permission subject to criteria listed in report
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Community Infrastructure Levy Liable	Yes
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP12, SDP13, SDP16, H1, H2, H7, HE6 of the City of Southampton Local Plan Review (Amended 2015) and CS3, CS4, CS5, CS13, CS14, CS15, CS16, CS18, CS19, CS20, CS22, CS25 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015).

Appendix attached

1	Habitats Regulation Assessment	2	Development Plan Policies
3	Refusal 20/00851/OUT - Previous		

Recommendation in Full

1. That the Panel confirm the Habitats Regulation Assessment in **Appendix 1** of this report.
2. Delegate to the Head of Planning & Economic Development to grant planning permission subject to the planning conditions recommended at the end of this report and the completion of a S.106 or S.111 Legal Agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Planning & Economic Development be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.

1. The site and its context

- 1.1 This application site is located on the south-western side of St James Road adjacent to the St James local centre, which comprises a parade of local shops. The surrounding area is characterised by mainly two storey suburban residential properties.
- 1.2 The site has an area of 752sqm and comprises a 1950's church building (with community facilities) in a redolent style of its period. The building is unlisted. The property falls within the demise of the St James Parochial Church and the Diocese of Winchester. Informal parking is located within a hardstanding area to the front of the site which also includes a pollarded London Plane mature tree (not protected) in the north-west corner.

2. Proposal

- 2.1 The application seeks outline approval for matters of Access, Layout and Scale for consideration under this application to redevelop the existing church building to erect 4 no. semi-detached 3-bedroom dwellings with associated access from St. James Road and parking. Indicative drawings to show how the building architecture could look have been provided. Matters of Appearance and Landscaping are reserved and these details would need to be considered under a separate reserved matters planning application.
- 2.2 The starting point to assess the quality of the residential environment for future occupants is the minimum floorspace set out in Nationally Described Space Standards (NDSS) (3 bed = 84 to 102sqm) and the minimum garden sizes of 70sqm per semi-detached property set out in the Council's Residential Design Guide (para 2.3.14 and section 4.4).

Dwelling	Floor Size sqm & Garden size	National Standard & Minimum Garden	Compliance
Plot 1	102 & 84	84-102 & 70	Y & Y
Plot 2	102 & 74	84-102 & 70	Y & Y
Plot 3	102 & 70	84-102 & 70	Y & Y
Plot 4	102 & 90	84-102 & 70	Y & Y

- 2.3 The planning application has been amended following the initial submission with the vehicle access onto St James Road repositioned to prevent conflict with the raised accessible kerbing for the adjacent bus stop. The proposed vehicle access point remains in the same position as the existing for the church, albeit extended 3m further south and will create a formalised parking arrangement with on-site turning space to enable vehicles to safely enter and exit onto the highway in a forward gear. There will be the provision of 1 off-road parking space per dwelling. A secure lockable cycle store is located in the rear garden(s) and has external access for each property.
- 2.4 The applicant has amended the indicative elevation plans to demonstrate that a building aesthetic can be achieved which is in keeping with the traditional double bay proportions and features of the typical semi-detached properties within the surrounding area.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 2**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4. Relevant Planning History

- 4.1 This current application follows a previous refusal in October 2020 for the development of the church site to provide 5 x 3 storey terraced dwellings (Ref 20/00851/OUT). The previous reasons for refusal are set out in the decision notice and plans are set out in **Appendix 3**. In light of these previous design concerns, the applicant has made significant changes to the appearance, layout and scale of the new scheme, provided a parking survey, and reduced the level and mix of housing from 5 to 4 dwellings which is better appropriate for the site area and in keeping with the established character of the area. The Panel are not necessarily bound by the reasons cited in the previous delegated refusal, but the following report will explain how these refusal reasons have been addressed by the current scheme

5. Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, and erecting a site notice **26.02.2021**. At the time of writing the report **4** representations have been received from surrounding residents, including a Ward Cllr Panel Referral. The following is a summary of the points raised:

5.2 Risk to road safety. The location of these new houses are directly opposite a junction, next to a roundabout and adjacent to shops. In addition, Raymond Road/ St James road already has fast cars cutting through (especially in rush hours). This particular area of the road is also 'complicated' with cars in all directions. The driveways for these four houses do not facilitate the ability to turn and therefore cars will be reversing either out or in.

Response

The present impact from trips and vehicle movements of the existing community/church use using the existing access should be considered as a starting point for assessing this application. That said, the access and parking layout has been amended so it formalises on site turning utilising the same dropped kerb access (albeit extended by 3m). The access is re-positioned to be a safe distance away from the bus stop accessible kerb, and enable vehicles to enter and leave the site in a forward gear, thus not having to reverse onto St James Road. It should be noted that there is already a level of traffic interaction between an existing driveway (60 Raymond Road) and access opposite South View Road, so no additional significant risk will be posed to road safety from the traffic and vehicle movements associated with the proposed development. The nature of these existing circumstances also apply to the driveways of residential properties adjacent to the roundabout between Malmesbury Road/Raymond Road and this is located 35m away from the nearest point of the vehicle access. No objection has been raised by the Council's Highways Officer.

5.3 With only one car parking space per house, there is bound to be more parking required by the residents of these new houses. I understand the traffic survey states that there is space for parking in local roads during the night, but I am concerned that cars will take the places in front of the local shops on St James Road, affecting business for those shops. These extra vehicles will also be in competition with the increased parking required for the new school off Malmesbury Road, which will have a considerable impact on local roads.

Response

The traffic regulation order in front of the adjacent shops prohibits vehicles parking for more than 1 hour between 08:00 to 18:00 Monday to Saturday so discourages residents parking during those day time business hours, whilst the parking survey found on average 121 street parking spaces available out of the overall capacity of 319 spaces within 200m walking distance of the site. The parking survey did not rely on street parking in the whole of Malmesbury Avenue; only 150m of its 550m length (to junction of Charlton Road). The parking impact of the St Marks School itself has been separately considered under a previous application. The availability of street parking found in the surveys is not considered to cause undue competition with nearby residents as it can adequately absorb the 4 space shortfall of the maximum parking standards. The shortfall of parking is considered acceptable having regard to the

accessibility of the area, availability of on-street parking and the merits of family housing delivery.

5.4 Harm to the existing tree at the rear of the site.

Response

The tree officer is satisfied there will be no adverse impact on the tree subject to the securing of the recommended tree protection conditions.

Consultation Responses

5.4

Consultee	Comments
Cllr Shields	<p>I would like the assessment of this application to take into full account and apply conditions as necessary to ameliorate the potential negative impact on road traffic at a very busy junction and to ensure maximum road safety.</p> <p><u>Officer Response</u> – See officer comments on road safety above and in the considerations section below</p>
Conservation Officer	<p><u>Objection</u></p> <p>The submitted Design and Access Statement states that although the building is not completely redundant, it is sparsely used as a church facility and activities now take place elsewhere within the local vicinity. Therefore, whilst I acknowledge that the building appears to have outlived its usefulness as a community facility, it is disappointing that no other use for the building has been considered. For instance, although the church building is not a listed building, nor does it sit within a conservation area (and thus is not afforded any statutory protection), the building is redolent of its period and displays the simple and restrained form of modernist architecture of the post-war period and stands out, and positively contributes to the character of the area. A building of this type also contains a strong historical and social connection to the community to which it once served. Consequently, the building contains a moderate degree of heritage interest (significance), and as such, it would be considered a non-designated heritage asset under the NPPF.</p> <p>On this basis, the loss of this building would be regrettable and the retention and conversion of this building should be sought in the first instance, especially as the open plan nature of the building, coupled with its height and forecourt arrangement, could facilitate an innovative conversion scheme. For instance, the building could be retrofitted to provide a residential use for 2 or 3 units, and I disagree with the opinion that the building would be overly difficult to repair or upgrade. Furthermore, although I would defer to my colleagues as to the quality and the design merits of the proposed replacement units, I remain to be convinced that the new development would</p>

	<p>introduce a form of architecture that would be equal to, or would result in a betterment, over the existing building in this location. As such, the retention and conversion of the existing building would be advised from a conservation perspective.</p> <p>Notwithstanding the above, should you consider that the public benefits of the proposals would outweigh the direct loss of this non-designated heritage asset in the planning balance, attaching conditions to record the building in full prior to its demolition would be advised.</p> <p><u>RESPONSE</u> <i>Whilst the historic significance of the building is recognised, the possibility of re-using the building has been explored with the applicant for community and residential reuse but structural and viability concerns have been raised against this. The community group owner of the church building confirms it is not financially viable to the re-use of the building given the expense of retro-fitting. The profit from the development project will go back into the local community to support the St James Church facilities in the nearby conservation area so there are wider benefits, albeit indirect and does not directly mitigate the loss of the undesignated heritage asset. In converting the existing church to residential use, the irregular shape and layout of the building itself would not lend itself very well to a good standard of residential accommodation, especially where the garden space would have to sited at the front of the plot due to the position of existing footprint tightly adjacent to the rear boundary. As such merits of family housing delivery are considered to outweigh the direct loss of this non-designated heritage asset. Furthermore, the UK planning system affords the building very little weight from demolition</i></p>
SCC Archaeology	No objection subject to conditions
SCC Urban Design Manager	<p>With regard to the proposed dwellings the applicant needs to assess the character of surrounding residential area. Although hipped roofs are present by far the most dominant character element is projecting gables and bays which will be required in order for this development to assimilate into the street scene. Street trees will also be need in the front garden.</p> <p><u>RESPONSE</u> <i>The appearance and landscaping of the dwellings is a reserved matter under the outline approval so is not being approved under this application, however, the applicant has amended the indicative elevational design to be in keeping with the traditional style and features of semi-detached dwellings in the local area.</i></p>
SCC Ecology	No objection subject to conditions
SCC Contamination	No objection subject to conditions

Environmental Health	No objection
Highways Development Management Officer	<p>No objection</p> <p>Having reviewed the resubmitted site plan, I'm satisfied the vehicle access point does not impact on the accessible kerbing for the bus stop on St James Road. The proposed vehicle access point remains the same as the existing for the church, all be it positioned 3m further south and with a more formalised parking arrangement on site, which will enable vehicles to exit onto the highway in a forward gear. Therefore, Highways DM are satisfied there are no aggravated highways safety concerns arising from the development. If you are minded to approve the application, a condition is recommended to keep the front boundary treatments below 0.6m where they meet the footway, to ensure clear pedestrian sightlines of vehicles exiting the site onto the highway. Cycle storage is acceptable, but a condition should be attached to any approval ensuring a secure Sheffield stand is provided within the store for bikes to be secured to, as per Section 5.3 of the Parking Standards SPD. Also, the cycle stores should be easily accessible from the highway (section 5 of Parking Standards SPD), and either be repositioned closer to the side gates, or provided with a pathway over the lawn area to ensure users can comfortably access.</p>
Sustainability	No objection subject to conditions
Trees & Open Spaces	<p>No objection</p> <p>The tree is a London Plane, it has been pollarded but is a species that is well suited to this form of management and does not necessarily make it a poor specimen, pollarded trees can survive long term as they are not subject to the same loading stresses as full grown trees and they can provide valuable habitat from an ecological perspective. The branch structure appears to be strong and is well on the way to forming a new complete crown. With a trunk of this size I would estimate the potential Root Protection Area (RPA) to be somewhere in the region of 6m from the main trunk - this is a conservative estimate and considers the fact that it is both a pollard and that site restrictions such as building foundations or hardstanding may affect the actual rooting pattern. Obviously, this is an estimate based on the photos provided and perhaps highlights the requirement for an accurately measured tree survey, without this I have no way of knowing where protective fencing would be needed to create an exclusion zone that would protect the predicted RPA. If the tree is to be retained it will need some form of fencing at a suitable distance from the trunk to provide protection to the RPA. In my experience, reasonable care is not 'a given' on construction sites and needs</p>

	<p>to be enforced using such fences, clearly marked and constructed before any demolition traffic enters the site. This could, as suggested, be covered by pre-commencement and performance conditions placed alongside permission if it were granted.</p>
<p>Southern Water</p>	<p>It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised.</p> <p><u>AGENT RESPONSE</u> <i>From the Southern Water plan it appears that the water main does not cross any land within the St. John's Centre ownership but instead runs either within the road or the pavement in front of St. Johns; i.e. presumably within highway land. Certainly the applicants don't know the whereabouts of the water main and there isn't anything on the ground that indicates where it runs (there is a manhole cover in the road towards the eastern end of the St. Johns frontage but this doesn't appear to relate to the water main). I'm not sure therefore how we would establish its location and this seems to me to be something that Southern Water should either know or be able to find out themselves. In any event, none of the proposed buildings lie within 6 metres of the line of the water main as shown on the Southern Water plan and there is no need for any tree planting anywhere within that distance. For the most part, the new parking spaces will use dropped kerbs that already exist for access to the St. Johns parking and the necessary works for those spaces that don't will simply involve the installation of dropped kerbs which need not affect the water main.</i></p> <p><u>CASE OFFICER RESPONSE</u> <i>A condition is recommended to require further investigation and necessary protection measures prior to commencement of works. Nevertheless, the applicant has to gain separate consent from Southern Water/building regulations in relation to any works potentially affecting a public sewer.</i></p>

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Loss of non-designated heritage asset;
- Design and effect on character;
- Residential amenity;

- Parking highways and transport and;
- Likely effect on designated habitats.

6.2 Principle of Development

- 6.2.1 The Council's Conservation Officer considers that the heritage significance of the existing Church building has the status of a non-designated heritage asset. Paragraph 197 of the NPPF requires the Council to take into account the effect of an application on the significance of a non-designated heritage asset in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. This is further discussed in the report below.
- 6.2.2 The church building is designated for community use under policy CS3 whilst the hall provides facilities for local community groups. Paragraph 92 of the NPPF states that the Council should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. Community facilities includes public houses, as defined by the NPPF and policy CS3 of the Core Strategy. Policy CS3 states that proposals resulting in the loss of a community facility throughout the city will not be supported if it is viable for the commercial, public or community sector to operate it and if there is no similar or replacement facility in the same neighbourhood.
- 6.2.3 The applicant states that the proposed redevelopment of the St. John's Centre forms part of St. James' Church strategic reassessment of its accommodation. In that strategic plan, revenue generated from the development of the St. John's Centre site will help fund the refurbishment and enhancement of the main St James' Church facilities (including Shirley Parish Hall on the corner of Colebrook Avenue and St. James Road) to better suit their regular church and community usage. Although no up to date marketing evidence has been provided to show the viability of the continued use of the building, the loss of the church building and hall itself is not considered to significantly impact on the day to day needs of the local community to access other similar facilities that exist in the local vicinity of St James Road, including the Christadelphian Church (corner of Hanley Road) and the St James Methodist Church. The applicant has provided evidence to show that the structural condition of the building is not viable for upkeep in order to provide the quality of facilities normally required to support local groups and organisations.
- 6.2.4 In terms of the level of development proposed, policy CS5 of the Core Strategy confirms that in medium accessibility locations such as this, density levels should generally accord with the range of 50-100 d.p.h, although caveats this in terms of the need to test the density in terms of the character of the area and the quality and quantity of open space provided. The proposal would achieve a residential density of 53 d.p.h which is compliant, however, it needs to be tested in terms of the merits of the scheme as a whole. This is discussed in more detail below.
- 6.2.5 Whilst the site is not identified for development purposes, the Council's policies promote the efficient use of previously developed land to provide housing. The site is

not allocated for housing however it represents an opportunity for windfall housing. The Local Development Framework Core Strategy identifies the Council's current housing need and this scheme would assist the Council in meeting its targets. The City has a housing need as well as a need for dwellings suitable for smaller households to diversify the mix and balance of the community. As detailed in Policy CS4 an additional 16,300 homes need to be provided within the City between 2006 and 2026. However it should be noted that up to 2021/22 the Council has sufficient completions and allocations without needing to rely on any windfall housing.

6.2.6 As such, the principle of the proposed residential development of the previously developed land can be supported, subject to the loss of the non-designated heritage asset can be justified.

6.3 Loss of non-designated heritage asset

6.3.1 It is recognised that the Conservation Officer considers that the building is redolent of its period and displays the simple and restrained form of modernist architecture of the post-war period and stands out, and positively contributes to the character of the area. A building of this type also contains a strong historical and social connection to the community to which it once served. Consequently, the building contains a moderate degree of heritage interest (significance), and as such, it would be considered a non-designated heritage asset under the NPPF.

6.3.2 In the weighing up whether the public benefits of the proposals would outweigh the direct loss of this non-designated heritage asset in the planning balance, the applicant has provided evidence to demonstrate that i) the building is not suitable for residential conversion given the significant costs to upgrade the structure to modern construction standards, ii) the quality of the current facilities and high cost of upkeep for a non-profit organisation does not offer the modern facilities which meets the needs of local groups and organisations.

6.3.3 As such, although the loss of the building is regrettable, on balance the replacement of the ailing building with the positive benefit of re-purposing the site for family housing within a suburban area to boost housing supply would therefore outweigh its loss given the limited prospect of being modernised to be fit for purpose in order to provide suitable facilities to meet the day to day needs of local community groups and congregations.

6.4 Design and effect on character

6.4.1 The layout and scale of the development has been well designed to ensure it respects the established character of the area, both in terms of falling well within the expected density range, and not physically over-developing the land with regards to the building footprint coverage of each individual plot. Although a reserved matter to be assessed after the outline stage, the indicative design of the amended building elevations sympathetically reflects the traditional style and features of the typical semi-detached dwellings in the surrounding area. That said, when it comes to reserved matters submitted by the current or future landowner, officers will expect the design to reflect the indicative drawings to ensure it is in keeping with the local character, and the layout, scale and massing parameters will be fixed by the approved outline plans.

6.4.2 The frontage of the existing church is pre-dominantly covered by tarmac/concrete hardstanding. Due to the conflict between the location of the existing accessible bus stop kerbing within the path of the driveways of plots 3 and 4, it is not possible to reconfigure the existing front hardstanding to form individual driveways for each plot. Instead the existing hardstanding area in front of the church building will be re-utilised to create a formal parking area with on-site turning available. The level of hardstanding and parking associated with the amended layout of the frontage will not significantly change the appearance of the existing street scene, whilst there would be betterment from the opportunity to provide low boundary front walls and soft landscaping, including tree planting.

6.4.3 The Tree Officer is satisfied that the layout of the proposed development would not adversely harm the health of the existing London Plane tree in the rear north-west corner of the site, however, further details of protective fencing will be requested prior to commencement of development to safeguard the tree during construction.

6.5 Residential amenity

6.5.1 Whilst the internal floor layout of the proposed dwellings is a matter reserved at outline stage for approval, however, it is clear from the proposed the scale, massing and layout of the two storey dwellings that there is adequate separation between the neighbouring residential properties eitherside (60 Raymond Road & 1 St James Road) and those bordering to the south-west in Raymond Road to ensure that access to privacy, outlook and light enjoyed by the neighbouring residents is adequately maintained in accordance with the standards set out in section 2 of the Residential Design Guide. Furthermore, the indicative scheme demonstrates that quality family housing is possible on this site with dual aspect, compliant floorspace and external garden space and a parking space.

6.6 Parking highways and transport

6.6.1 It should be noted that the trips associated with the existing community/church use of the land and vehicle access already has an impact itself on the highway network from traffic and parking demand in the local area. Following the amended plans to reconfigure the access and parking layout on the existing frontage, the Highways Officer is satisfied that the proposed development would not adversely affect road safety nor conflict with the use of bus stop and accessible bus stop kerb for passengers to board a bus at the adjacent stop. Conditions are recommended to ensure any front boundary treatment is minimised to 0.6m to retain safe access visibility.

6.6.2 The maximum parking standards required for this development is 8 off-road spaces (2 per 3 bed dwelling). The proposed development provides 4 spaces (1 per dwelling). The applicant carried out 3 parking surveys covering streets within 200m walking distance of the site, in accordance with the Lambeth Model. This was over the course of 3 nights in December (10th, 17th & 30th between 00:30-00:50 hours). Out of the potential street parking capacity of 319 spaces, an average of 38% kerb-side capacity was observed (121 available street spaces). Therefore, the applicant has

demonstrated that there is sufficient enough on-street parking capacity to adequately absorb the 4 space shortfall below the maximum standards without unduly harming the amenity of local residents by displacing or competing with existing street parking available.

6.6.3 The detail of refuse and cycle storage can be agreed by planning conditions.

6.7 Likely effect on designated habitats

6.7.1 The proposed development, as a residential scheme, has been screened (where mitigation measures must now be disregarded) as likely to have a significant effect upon European designated sites due to an increase in recreational disturbance along the coast and in the New Forest. Accordingly, a Habitat Regulations Assessment (HRA) has been undertaken, in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, see **Appendix 1**. The HRA concludes that, provided the specified mitigation of a Solent Recreation Mitigation Strategy (SRMP) contribution and a minimum of 5% of any CIL taken directed specifically towards Suitably Accessible Green Space (SANGS), the development will not adversely affect the integrity of the European designated sites.

7. Summary

7.1 In summary, the application has demonstrated that the proposed redevelopment of the existing church building would not reduce the community's ability to meet its day to day needs. Whilst it is recognised that the development will replace a building of non-designated heritage status, its retention and future upkeep or reuse is not feasible or viable and the Church have indicated that revenue from the disposal of this site will assist in supporting its other community facilities within the neighbourhood. In weighing up the planning balance, the public losses would be outweighed by overall public benefits of family housing delivery. The officers are satisfied that the access and parking layout does not cause significant risk to road safety in the local area, and the design and layout of the scheme complements the character and appearance of the street scene and maintains the amenity of local residents, and provides a good standard of family housing accommodation.

8. Conclusion

8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (f) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

SB Initials for 22/06/21 PROW Panel

PLANNING CONDITIONS

01. Outline Permission Timing Condition (Performance)

Outline Planning Permission for the principle of the development proposed and the following matters sought for consideration, namely the layout of buildings and other external ancillary areas, the means of access (vehicular and pedestrian) into the site and the buildings, the scale, massing and bulk of the structure of the site is approved subject to the following:

- (i) Written approval of the details of the following awaited reserved matters shall be obtained from the Local Planning Authority prior to any works taking place on the site:
 - the landscaping of the site specifying both the hard, soft treatments and means of enclosures alongside its ongoing maintenance.
 - the appearance and architectural design specifying the external materials to be used;
- (ii) An application for the approval of the outstanding reserved matters shall be made in writing to the Local Planning Authority before the expiration of three years from the date of this Outline Permission
- (iii) The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last application of the reserved matters to be approved.

Reason: To enable the Local Planning Authority to control the development in detail and to comply with Section 91 and Section 92 of the Town and Country Planning Act 1990 (as amended).

02. Details of building materials to be used (Pre-Commencement Condition)

Notwithstanding the information shown on the approved drawings and application form, with the exception of site clearance, demolition and preparation works, no development works shall be carried out until a written schedule of external materials and finishes, including samples and sample panels where necessary, has been submitted to and approved in writing by the Local Planning Authority. These shall include full details of the manufacturer's composition, types and colours of the external materials to be used for external walls, windows, doors, rainwater goods, and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site. Development shall be implemented only in accordance with the agreed details.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

03. Construction Management Plan (Pre-Commencement)

Before any development or demolition works are commenced details shall be

submitted to and approved in writing by the Local Planning Authority making provision for a Construction Method Plan for the development. The Construction Management Plan shall include details of:

- (a) parking of vehicles of site personnel, operatives and visitors;
- (b) loading and unloading of plant and materials;
- (c) storage of plant and materials, including cement mixing and washings, used in constructing the development;
- (d) treatment of all relevant pedestrian routes and highways within and around the site throughout the course of construction and their reinstatement where necessary;
- (e) measures to be used for the suppression of dust and dirt throughout the course of construction;
- (f) details of construction vehicles wheel cleaning; and,
- (g) details of how noise emanating from the site during construction will be mitigated.

The approved Construction Management Plan shall be adhered to throughout the development process unless agreed otherwise in writing by the local planning authority.

Reason: In the interest of health and safety, protecting the amenity of local land uses, neighbouring residents, the character of the area and highway safety.

04. Hours of work for Demolition / Clearance / Construction (Performance)

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of:

Monday to Friday	08:00 to 18:00 hours
Saturdays	09:00 to 13:00 hours

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

05. Land Contamination investigation and remediation (Pre-Commencement & Occupation)

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
 - historical and current sources of land contamination
 - results of a walk-over survey identifying any evidence of land contamination
 - identification of the potential contaminants associated with the above
 - an initial conceptual site model of the site indicating sources, pathways and receptors
 - a qualitative assessment of the likely risks
 - any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.

3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development. Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

06. Use of uncontaminated soils and fill (Performance)

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason: To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

07. Energy & Water [Pre-Construction]

With the exception of site clearance, demolition and preparation works, no development works shall be carried out until written documentary evidence demonstrating that the development will achieve a minimum 19% improvement over current Building Regulation part L Target Emission Rate requirements and 105 Litres/Person/Day internal water use. Design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason: To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (Amended 2015).

08. Energy & Water [Performance]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over current Building Regulations Target Emission Rate (TER) requirements and 105 Litres/Person/Day internal water use in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

REASON: To ensure the development has minimised its overall demand for resources and to demonstrate compliance with Policy CS20 of the Adopted Core Strategy (Amended 2015).

09. Archaeological structure-recording [Pre-Commencement Condition]

No development shall take place within the site until the implementation of a programme of recording has been secured in accordance with a written scheme of

investigation which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the recording of a significant structure is initiated at an appropriate point in development procedure.

10. Archaeological structure-recording work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

11. Archaeological watching brief investigation [Pre-Commencement Condition]

No development (apart from above-ground demolition) shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

12. Archaeological watching brief work programme [Performance Condition]

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local planning Authority.

Reason: To ensure that the archaeological investigation is completed.

13. Public Sewer protection (Performance)

Prior to the commencement of development, details of the measures to protect the public sewer from damage during the demolition and construction shall be submitted to and approved by the Local Planning Authority in writing. The measures shall be implemented as approved for the duration of demolition and construction works.

Reason: In order to safeguard the public sewer.

14. Tree Retention and Safeguarding (Pre-Commencement Condition)

All trees to be retained pursuant to any other condition of this decision notice shall be fully safeguarded during the course of all site works including preparation, demolition, excavation, construction and building operations. No operation in connection with the development hereby permitted shall commence on site until the tree protection as agreed by the Local Planning Authority has been erected. Details of the specification and position of all protective fencing shall be indicated on a site plan and agreed with the Local Planning Authority in writing before any site works commence. The fencing shall be maintained in the agreed position until the building works are completed, or until such other time that may be agreed in writing by the Local Planning Authority following which it shall be removed from the site.

Any trees to be felled pursuant to this decision notice will be replaced with species of trees to be agreed in writing with the Local Planning Authority prior to the commencement of development at a ratio of two replacement trees for every single tree removed. The trees will be planted within the site or at a place agreed in writing with the Local Planning Authority. The Developer shall be responsible for any replacements for

a period of 5 years from the date of planting. The replacement planting shall be carried out within the next planting season (between November and March) following the completion of construction. If the trees, within a period of 5 years from the date of planting die, fail to establish, are removed or become damaged or diseased, they will be replaced by the site owner / site developer or person responsible for the upkeep of the land in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that trees to be retained will be adequately protected from damage throughout the construction period.

15. Ecological Mitigation Statement (Pre-Commencement)

Prior to development commencing, including site clearance, the developer shall submit a programme of habitat and species mitigation and enhancement measures, which unless otherwise agreed in writing by the Local Planning Authority shall be implemented in accordance with the programme before any demolition work or site clearance takes place.

Reason: To safeguard protected species under the Wildlife and Countryside Act 1981 (as amended) in the interests of preserving and enhancing biodiversity.

16. Protection of nesting birds (Performance)

No clearance of vegetation likely to support nesting birds shall take place between 1 March and 31 August unless a method statement has been agreed in writing by the Local Planning Authority and works implemented in accordance with the agreed details.

Reason: For the safeguarding of species protected by The Wildlife & Countryside Act 1981 (as amended) and the conservation of biodiversity

17. External Lighting Scheme (Pre-Commencement)

Prior to the development hereby approved first coming into occupation, external lighting shall be implemented in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be thereafter retained as approved.

Reason: In the interest of biodiversity and protection of wildlife habitat.

18. Cycle storage facilities (Pre-Occupation Condition)

Notwithstanding the approved plans, before the development hereby approved first comes into occupation, secure and covered storage for bicycles shall be provided in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. This shall include details of the provision of internal horizontal stands to secure each cycle, entrance locking system for residents, and specification of internal and external lighting to be fitted. The storage shall be thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

19. Refuse & Recycling (Pre-Occupation)

Prior to the occupation of the dwellings hereby approved, details of storage for refuse and recycling, together with the access to it and waste collection management plan, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details before the dwellings are first occupied and thereafter retained as approved. Unless otherwise agreed by the

Local Planning Authority, except for collection days only, no refuse shall be stored to the front of the development hereby approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

Note to applicant: In accordance with para 9.2.3 of the Residential Design Guide (September 2006): if this development involves new dwellings, the applicant is liable for the supply of refuse bins, and should contact SCC refuse team at Waste.management@southampton.gov.uk at least 8 weeks prior to occupation of the development to discuss requirements.

20. Access & Parking (Pre-occupation)

Prior to the occupation of the dwellings, the development shall be implemented in accordance with the approved details including the provision of the access and parking and shall thereafter be retained for the duration of the lifetime of the development. notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 no fences walls or other means of enclosure shall be erected above a height of 0.6m above ground level along the front boundary.

Reason: In the interests of securing safe access onto a classified road in the interests of highways safety.

21. Amenity Space Access (Pre-Occupation)

Before the dwellings hereby approved first come into occupation, the external amenity space and pedestrian access to it, shall be made available for use in accordance with the plans hereby approved. The amenity space and access to it shall be thereafter retained for the use of the dwellings.

Reason: To ensure the provision of adequate amenity space in association with the approved dwellings.

22. Residential - Permitted Development Restriction (Performance Condition)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof alteration),

Class C (other alteration to the roof),

Class E (outbuildings)

Reason: In order that the Local Planning Authority may exercise further control in this locality given the specific circumstances of the application site, in the interests of maintaining living conditions of future occupiers as the garden sizes provided within this suburban context are close to or equivalent to minimum standards, and the comprehensive development and visual amenities of the area.

23. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

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Application 21/00162/OUT

Habitat Regulation Assessment (HRA)
Screening Matrix and Appropriate Assessment Statement

PLEASE NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations. However, it is the responsibility of the applicant to provide the Competent Authority with the information that they require for this purpose.

HRA completion date:	See Main Report
Application reference:	See Main Report
Application address:	See Main Report
Application description:	See Main Report
Lead Planning Officer:	See Main Report
Please note that all references in this assessment to the 'Habitats Regulations' refer to The Conservation of Habitats and Species Regulations 2017.	

Stage 1 - details of the plan or project

European site potentially impacted by planning application, plan or project:	Solent and Southampton Special Protection Area (SPA) and Ramsar site. Solent Maritime Special Area of Conservation (SAC). Collectively known as the Solent SPAs. New Forest SAC, SPA and Ramsar site.
Is the planning application directly connected with or necessary to the management of the site (if yes, Applicant should have	No. The development consists of an increase in residential dwellings, which is neither connected to nor necessary to the management of any European site.

provided details)?	
Are there any other projects or plans that together with the planning application being assessed could affect the site (Applicant to provide details to allow an 'in combination' effect to be assessed)?	<p>Yes. All new housing development within 5.6km of the Solent SPAs is considered to contribute towards an impact on site integrity as a result of increased recreational disturbance in combination with other development in the Solent area.</p> <p>Concerns have been raised by Natural England that residential development within Southampton, in combination with other development in the Solent area, could lead to an increase in recreational disturbance within the New Forest. This has the potential to adversely impact site integrity of the New Forest SPA, SAC and Ramsar site.</p> <p>The PUSH Spatial Position Statement (https://www.push.gov.uk/work/planning-and-infrastructure/push-position-statement/) sets out the scale and distribution of housebuilding which is being planned for across South Hampshire up to 2034.</p>

Stage 2 - HRA screening assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant to provide evidence so that a judgement can be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA/SAC/Ramsar.

Solent SPAs

The proposed development is within 5.6km of the collectively known European designated areas Solent SPAs/Ramsar sites. In accordance with advice from Natural England and as detailed in the Solent Recreation Mitigation Strategy, a net increase in housing development within 5.6km of the Solent SPAs is likely to result in impacts to the integrity of those sites through a consequent increase in recreational disturbance.

Development within the 5.6km zone will increase the human population at the coast and thus increase the level of recreation and disturbance of bird species. The impacts of recreational disturbance (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as recreation can cause important habitat to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by human recreational activities (terrestrial and water-based) and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The New Forest

The New Forest National Park attracts a high number of visitors (13.3 million annually), and is notable in terms of its catchment, attracting a far higher proportion of tourists and non-local visitors than similar areas such as the Thames Basin and Dorset Heaths. Research undertaken by Footprint Ecology, Sharp, J., Lowen, J. and Liley, D. (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. (Footprint Ecology.), indicates that 40% of visitors to the area are staying tourists, whilst 25% of visitors come from more than 5 miles (8km) away. The remaining 35% of visitors are local day visitors originating from within 5 miles (8km) of the boundary.

The report states that the estimated number of current annual visits to the New Forest is predicted to increase by 1.05 million annual visits by 2026 based on projections of housing development within 50km of the Forest, with around three quarters (764,000) of this total increase originating from within 10km of the boundary (which includes Southampton).

Residential development has the potential to indirectly alter the structure and function of the habitats of the New Forest SAC, SPA and Ramsar site breeding populations of nightjar, woodlark and Dartford warbler through disturbance from increased human and/or dog activity. The precise scale of the potential impact is currently uncertain however, the impacts of recreational disturbance can be such that they affect the breeding success of the designated bird species and therefore act against the stated conservation objectives of the European sites.

Stage 3 - Appropriate Assessment

Appropriate Assessment under Regulation 63(1) - if there are any potential significant impacts, the applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long term management, maintenance and funding of any solution.

Solent SPAs

The project being assessed would result in a net increase of dwellings within 5.6km of the Solent SPAs and in accordance with the findings of the Solent Recreation Mitigation Strategy, a permanent significant effect on the Solent SPAs due to increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

Southampton City Council formally adopted the Solent Recreation Mitigation Strategy (SRMP) in March 2018. The SRMP provides a strategic solution to ensure the requirements of the Habitats Regulations are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development. This strategy represents a partnership approach to the issue which has been endorsed by Natural England.

As set out in the Solent Recreation Mitigation Strategy, an appropriate scale of mitigation for this scheme would be:

Size of Unit	Scale of Mitigation per Unit
1 Bedroom	£361.00
2 Bedroom	£522.00
3 Bedroom	£681.00
4 Bedroom	£801.00
5 Bedroom	£940.00

Therefore, in order to deliver the adequate level of mitigation the proposed development will need to provide a financial contribution, in accordance with the table above, to mitigate the likely impacts.

A legal agreement, agreed prior to the granting of planning permission, will be necessary to secure the mitigation package. Without the security of the mitigation being provided through a legal agreement, a significant effect would remain likely. Providing such a legal agreement is secured through the planning process, the proposed development will not affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

New Forest

The project being assessed would result in a net increase in dwellings within easy travelling distance of the New Forest and a permanent significant effect on the New Forest SAC, SPA and Ramsar, due to an increase in recreational disturbance as a result of the new development, is likely. This is contrary to policy CS 22 - Promoting Biodiversity and Protecting Habitats, of the Southampton Core Strategy Partial Review, which states that,

Within Southampton the Council will promote biodiversity through:

1. Ensuring development does not adversely affect the integrity of international designations, and the necessary mitigation measures are provided; or the development otherwise meets the Habitats Directive;

In line with Policy CS22, in order to lawfully be permitted, the development will need to include a package of avoidance and mitigation measures.

At present, there is no scheme of mitigation addressing impacts on the New Forest designated sites, although, work is underway to develop one. In the absence of an agreed scheme of mitigation, the City Council has undertaken to ring fence 5% of CIL contributions to fund footpath improvement works within suitable semi-natural sites within Southampton. These improved facilities will provide alternative dog walking areas for new residents.

The proposed development will generate a CIL contribution and the City Council will ring fence 10% of the overall sum, to fund improvements to footpaths within the greenways and other semi-natural greenspaces.

Stage 4 – Summary of the Appropriate Assessment (To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

In conclusion, the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European and Internationally protected sites. The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Solent Recreation Mitigation Strategy.

The authority's assessment is that the application coupled with the contribution towards the SRMS secured by way of legal agreement complies with this strategy and that it can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above.

In the absence of an agreed mitigation scheme for impacts on the New Forest designated sites Southampton City Council has adopted a precautionary approach and ring fenced 10% of CIL contributions to provide alternative recreation routes within the city.

This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2012.

Natural England Officer: Becky Aziz (email 20/08/2018)

Summary of Natural England's comments:

Where the necessary avoidance and mitigation measures are limited to collecting a funding contribution that is in line with an agreed strategic approach for the mitigation of impacts on European Sites then, provided no other adverse impacts are identified by your authority's appropriate assessment, your authority may be assured that Natural England agrees that the Appropriate Assessment can conclude that there will be no adverse effect on the integrity of the European Sites. In such

cases Natural England will not require a Regulation 63 appropriate assessment consultation.

Application 21/00162/OUT

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Community Use
CS4	Housing Delivery
CS5	Housing Density
CS13	Fundamentals of Design
CS14	Historic Environment
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS22	Promoting Biodiversity and Protecting Habitats
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment
HE6	Archaeology

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

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DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Mr Robin Reay
17 Bourne Avenue
Southampton
SO15 5NT

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

OUTLINE APPLICATION - REFUSAL

Proposal: Demolition of the existing St. John's building and redevelopment of the site by the erection of 5 houses with associated access from St. James Road, parking and gardens (Outline application seeking approval for access, layout and scale).

Site Address: St Johns Church, St James Road, Southampton SO15 5FB

Application No: 20/00851/OUT

For the following reason(s):

01.Design & Character

The proposed development by reason of its layout, scale, massing and indicative form would be out of keeping with the character and appearance of the area. Furthermore, the rear garden size of the inner plots (nos. 3 and 4) is considered insufficient for 3-bed family accommodation within this suburban context and is symptomatic of a site overdevelopment. As such, the proposal would adversely affect the visual amenity of the surrounding area and provide sub-standard living conditions for the future occupiers and, therefore, would be contrary to saved policies SDP1(i), SDP7, SDP9 of the Local Plan Review (March 2015 amended) and CS5, CS13 of the Core Strategy (March 2015 amended) as supported by the relevant paragraphs in section 3 of the Residential Design Guide Supplementary Planning Document (September 2006) including 2.3.14; 3.7.5-3.7.8; 3.8.2-3.8.3; 3.9.5; 5.2.16.

02.Loss of privacy

The proposal would represent an un-neighbourly form of development with rear upper floor habitable room windows leading to harmful overlooking and loss of privacy of the adjacent neighbouring properties in Norfolk Road given the limited separation distance from neighbouring gardens and habitable room windows. As such, the proposal is judged to have an unacceptable loss of residential amenity and therefore would prove contrary to saved policy SDP1(i) of the Local Plan Review (March 2015 amended) as supported by the guidance set out in paragraphs 2.2.4-2.2.6 of the Residential Design Guide Supplementary Planning Document (September 2006).

03. Inadequate parking

The proposed layout fails to provide on-site parking spaces which accord with the minimum undercroft parking space size standards (3m x 6m) as set out within the Council's Parking Standards SPD combined with a substandard depth parking court to enable on site turning in a forward gear and as a consequence may lead to vehicles reversing out onto St James Road to the detriment of the road safety of other users. Based on the information submitted, it has not been adequately demonstrated that the parking demand of the development would not harm the amenity of nearby residential occupiers through increased competition for on-street car parking. The development would, therefore, be contrary to the provisions of Policy SDP1(i) of the City of Southampton Local Plan Review (2015), Policy CS19 of the Southampton Core Strategy Development Plan Document (2015) and the adopted Parking Standards Supplementary Planning Document (2011).

Note to applicant - The guidance in the Parking Standards SPD (section 4.2.1 refers) expects the applicant to demonstrate that there is sufficient kerbside capacity to absorb the additional parking demand. This should be assessed by undertaking a parking survey using the preferred Lambeth model.

04. Reason For Refusal - Failure to enter into S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

- i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
- ii. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
- iii. In the absence of an alternative arrangement the lack of a financial contribution towards Solent Disturbance Mitigation Project (SDMP) in accordance with the Conservation of Habitats and Species Regulations 2010 (as amended), SDP12 of the City of Southampton Local Plan Review (Amended 2015), CS22 of the Core Strategy (Amended 2015) and the Planning Obligations SPD (September 2013) as supported by the current Habitats Regulations.



Paul Barton
Interim Head of Planning & Economic Development

13 October 2020

For any further enquiries please contact:
Stuart Brooks

PLANS AND INFORMATION CONSIDERED

WEBCHAT

southampton.gov.uk Page 140



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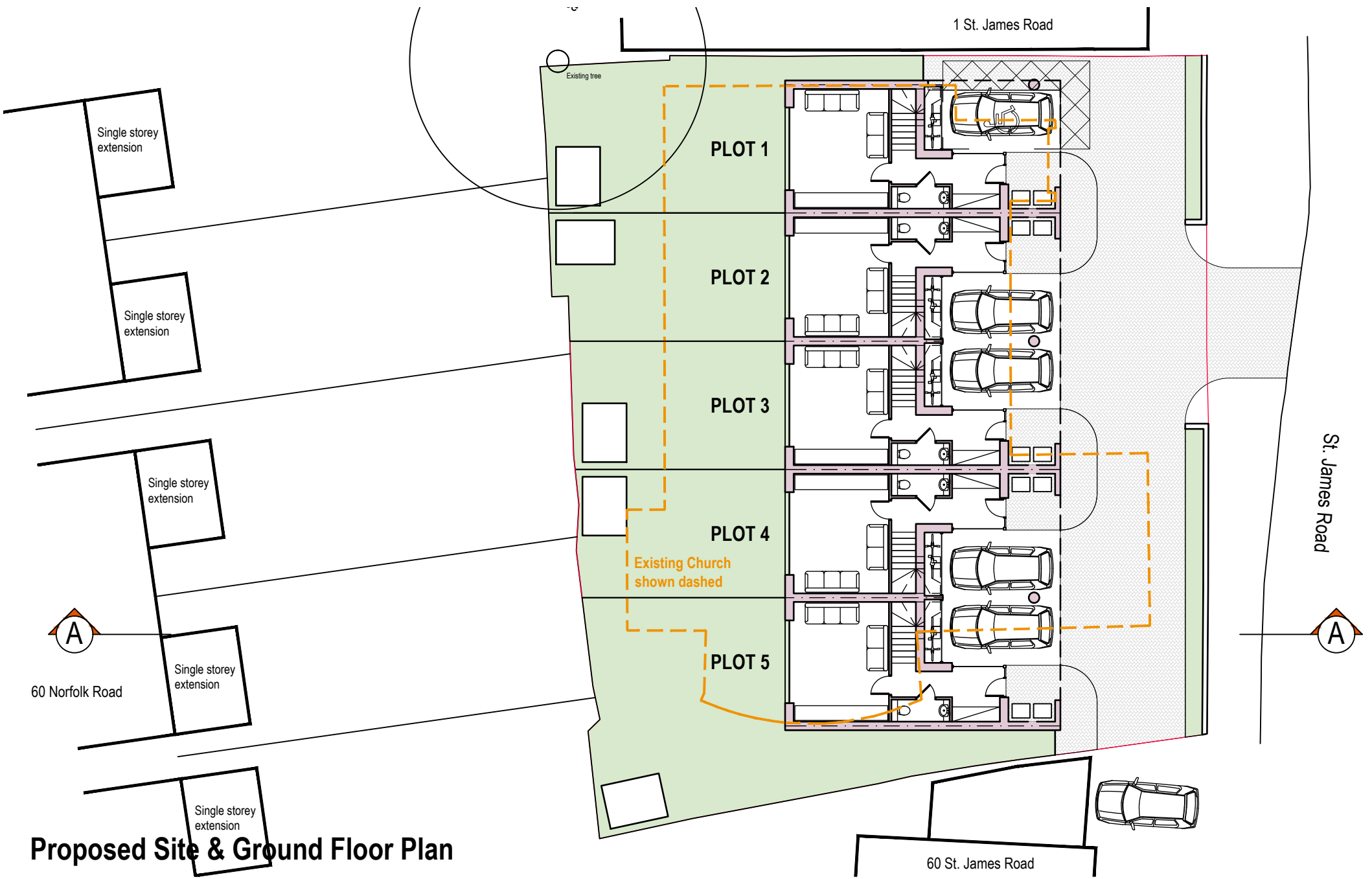


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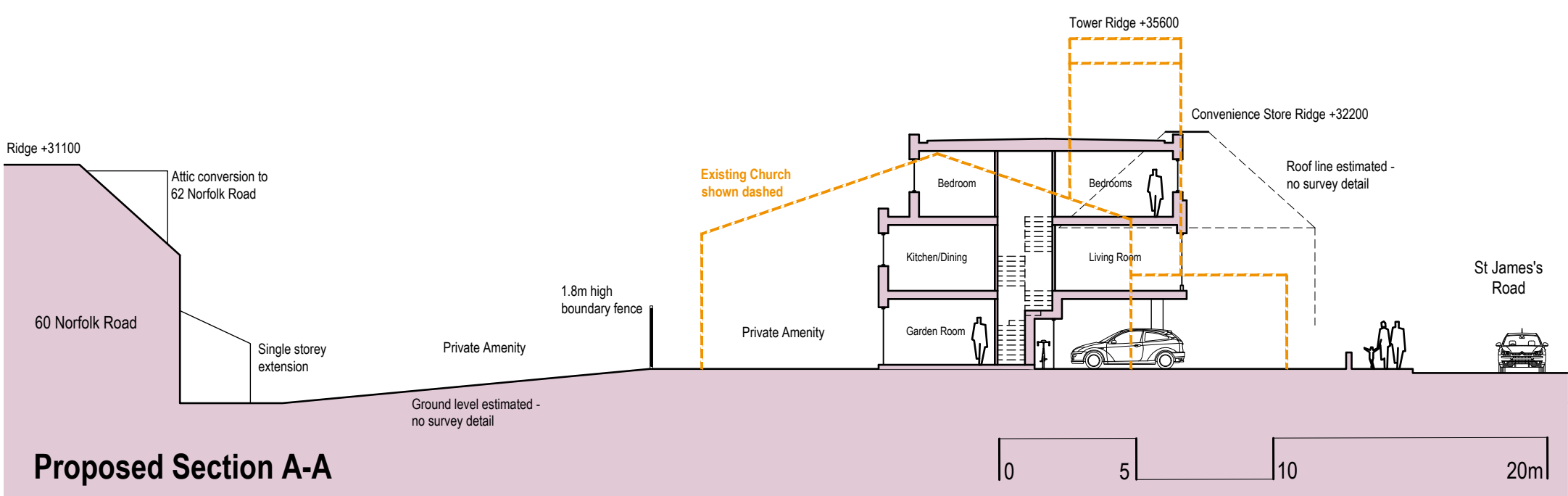
DX115710 SOUTHAMPTON 17

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

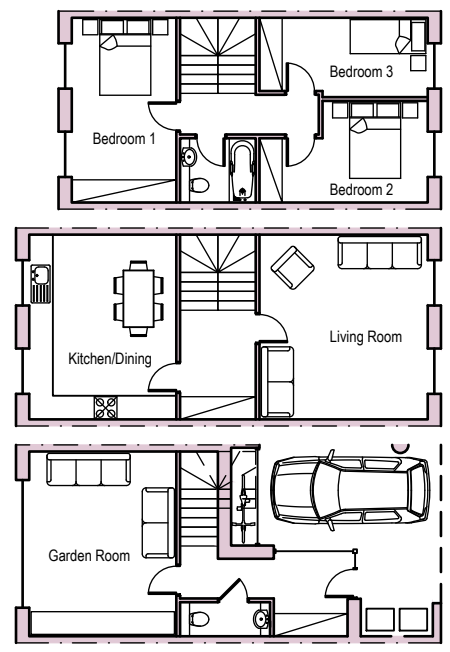
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19012-A-PL-015	Rev A	Proposed Plans	20.07.2020	Refused
19012-A-PL-012	Rev A	Proposed Plans	20.07.2020	Refused
19012-A-PL-020	Rev A	Proposed Plans	20.07.2020	Refused
19012-A-PL-011	Rev A	Proposed Plans	20.07.2020	Refused



Proposed Site & Ground Floor Plan



Proposed Section A-A



Second Floor Plan

First Floor Plan

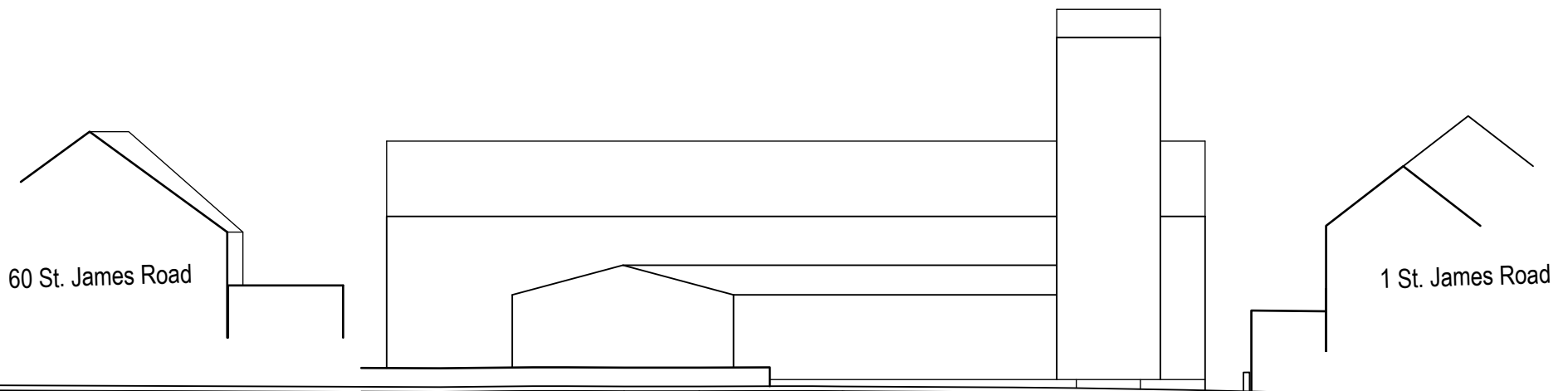
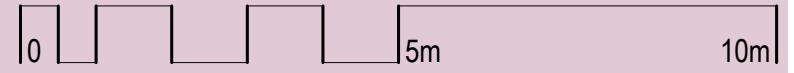
Ground Floor Plan

Proposed Floor Plans

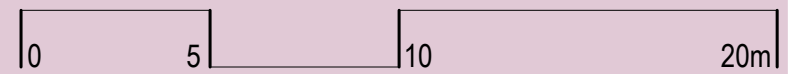
<p>notes</p> <p>© Copyright Reserved</p> <ol style="list-style-type: none"> This drawing is the copyright of vision architects limited DO NOT copy, alter or reproduced in any way or pass to a third party without written authority DO NOT scale these drawings - dimensions to be checked on site prior to commencing any work READ in conjunction with other Consultants documentation & drawings regarding this project DISCREPANCIES should be reported in writing to the project architect or engineer immediately <p>MODEL FILE REFERENCE -XXXXX-A-X-XX-XX-XX</p>	<p>A Issued for Planning Application submission by others</p> <p>2020.05.22 dp dp</p> <p>date by ch</p> <p>Page 142</p> <p>checked: AJC</p>	<p>scale: 1:200 @ A3</p> <p>client: St Johns Centre</p> <p>date: 2019.12</p> <p>project: 1a St James Road, Southampton. SO15 5FH</p> <p>drawn: dp</p> <p>drawing: Illustrative Proposed Section A-A, Site Plan & Floor Plans</p> <p>status: OUTLINE PLANNING APPLICATION</p>	<p>wessex house upper market street eastleigh hampshire SO50 9FD</p> <p>t: 01794 830660 e: enquiries@vision-architects.org.uk</p> <p>vision architects</p> <p>drawing No: 19012-A-PL-020 revision: A</p>
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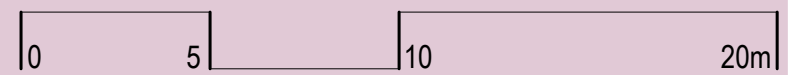
North-east Elevation



Existing Street Scene



Proposed Street Scene



notes

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5. DISCREPANCIES should be reported in writing to the project architect or engineer immediately

MODEL FILE REFERENCE - XXXXX-A-X-XX-XX-XX

A Issued for Planning Application submission by others

2020.05.22

Page 143

rev. description

date

by

dp

dp

checked:

AJC

scale: 1:100 / 200 @ A3

client: St Johns Centre

date: 2019.12

project: 1a St James Road,
Southampton. SO15 5FH

drawn: dp

drawing: Illustrative Proposed North-east Elevation
Existing Street Scene
Illustrative Proposed Street Scene

checked: AJC

status: OUTLINE PLANNING APPLICATION

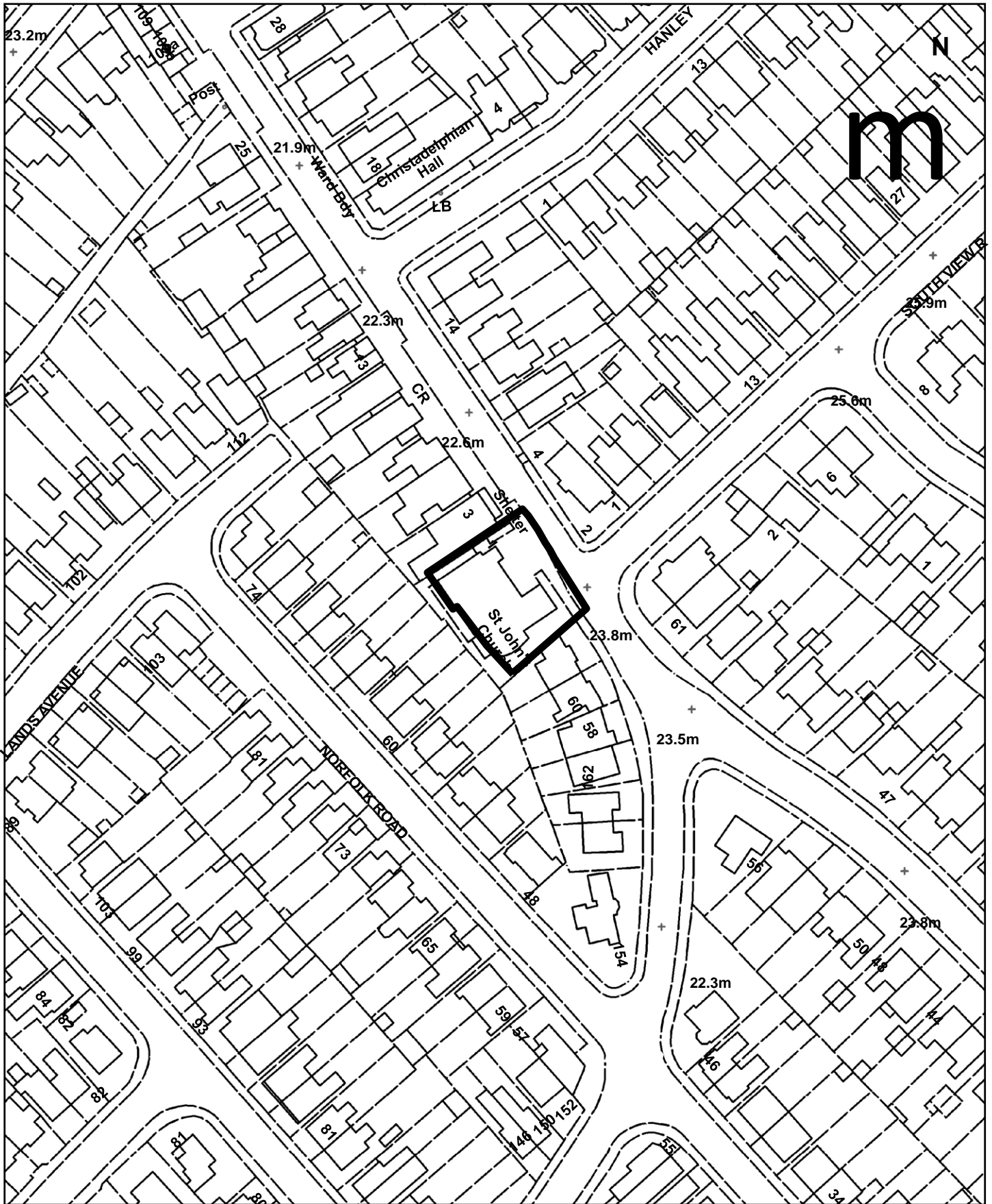
wessex house upper market street eastleigh hampshire SO50 9FD
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revision: A

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Planning and Rights of Way Panel 22nd June 2021
Planning Application Report of the Head of Planning & Economic Development

Application address: 12 Mayflower Road, Southampton			
Proposed development: Change of use from a dwelling house (class C3) to a 5-bed house in multiple occupation (HMO, class C4) (Retrospective)			
Application number:	20/01548/FUL	Application type:	FUL
Case officer:	Anna Coombes	Public speaking time:	5 minutes
Last date for determination:	Extension of time: 29.06.2021	Ward:	Millbrook
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr Moulton Cllr G Galton Cllr C Galton
Applicant: Mr Kishan Kumar		Agent: Ms Caroline Nganga	

Recommendation Summary	Conditionally approve
-------------------------------	-----------------------

Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS13, CS16, CS19 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP5, SDP7, SDP9, SDP16, H4, H7 of the City of Southampton Local Plan Review (Amended 2015) as supported by the relevant guidance set out in the Residential Design Guide SPD (2006), Houses in Multiple Occupation SPD (2016) and Parking Standards SPD (2011).

Appendix attached			
1	Development Plan Policies	2	40m Radius map
3	HMO property checklist	4	Appeal decision 10 Lumsden Avenue

Recommendation in Full

Conditionally approve

1. The site and its context

- 1.1 12 Mayflower Road is a two-storey, semi-detached dwelling, which has been in operation as a 5 bedroom House in Multiple Occupation (HMO) without planning permission. The property has 3 bedrooms and a bathroom at first floor and 2 bedrooms, a kitchen, a living/dining room and bathroom at ground floor.
- 1.2 The property has an existing single-storey rear extension, a modest sized rear garden with potential for cycle storage and an access path along the western side boundary. To the front of the dwelling is a paved front garden where the bins are stored.
- 1.3 The site is located on a short cul-de-sac off the western side of Shirley High Street. Shirley Town Centre primary and secondary shopping areas begin at the entrance to Mayflower Road, providing immediate access to a good selection of local amenities. The surrounding area is mainly characterised by suburban two storey semi-detached residential properties, some of which have been converted to flats.
- 1.4 Like the majority of properties along Mayflower Road, the application site has no off-road parking. On-street parking is restricted to residents' parking permits, or a maximum of 1 hour between the hours of 8am to 6pm Monday to Saturday.

2. Proposal

- 2.1 This application seeks to regularise the currently unauthorised change of use from a C3 dwellinghouse to a 5 bed HMO (class C4). There are no internal or external structural alterations proposed, simply the way in which the property is occupied.
- 2.2 An application for an HMO licence for this property has been submitted to the Council's HMO Licencing team and is currently under consideration. In terms of the quality of residential living standards for the occupants, the HMO licensing minimum room size standards are complied with as follows:-

Room	Location	Size	Minimum Standard
Bedroom 1	Ground floor front	14.6sqm	Minimum 6.51sqm
Bedroom 2	Ground floor rear	9.5sqm	
Bedroom 3	First floor front	12.4sqm	
Bedroom 4	First floor middle	11.2sqm	
Bedroom 5	First floor rear	11sqm	
Bathroom 1	Ground floor	---	At least 1 shared bathroom for up to 5 persons
Bathroom 2	First floor	---	
Kitchen	Ground floor	11sqm	Minimum total combined kitchen / living area of 11.5sqm for up to 5
Living Room	Ground floor	11.4sqm	

			persons
--	--	--	---------

3. **Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The National Planning Policy Framework (NPPF) was revised in 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.3 The Council’s Houses in Multiple Occupation Supplementary Planning Document (SPD HMO) indicates:

“1.1 Houses in Multiple Occupation (HMOs) provide much-needed housing accommodation. However, a large number of HMOs in one area can change the physical character of that residential area and this can lead to conflict with the existing community.

1.2 The planning system can assist in achieving a mix of households within the city’s neighbourhoods, meeting different housing needs whilst protecting the interests of other residents, landlords and businesses. This can best be delivered by preventing the development of excessive concentrations of HMOs and thus encouraging a more even distribution across the city.”

3.4 Policies H4 (Houses in Multiple Occupation) and CS16 (Housing Mix and Type) support the creation of mixed and balanced communities and require an assessment of how the introduction of HMOs affect the character and amenity of the local area. The Council’s Houses in Multiple Occupation Supplementary Planning Document (HMO SPD) sets a maximum HMO concentration threshold of 10% (surveyed over a 40m radius from the front door of the property), in order to avoid over-concentrations of HMOs leading to an imbalance in the mix of households within a local neighbourhood.

3.5 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policies SDP7 (Context) and SDP9 (Scale, Massing, and Appearance) allow development which respects the character and appearance of the local area. Policy H7 (The Residential Environment) expects residential development to provide attractive living environments. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design. These policies are supplemented by the design guidance and standards as set out in the relevant

chapters of the Residential Design Guide SPD. This sets the Council's vision for high quality housing and how it seeks to maintain the character and amenity of the local neighbourhood.

- 3.6 Saved policy SDP5 (Parking) of the Local Plan Review and policy CS19 (Car and Cycle Parking) of the Core Strategy both seek to discourage reliance on cars and encourage alternative, more sustainable modes of transport by setting maximum standards for car parking and minimum standards for secure cycle storage, which are detailed in the Parking Standards SPD.

4. Relevant Planning History

- 4.1 There are no previous planning applications on record for this property. The Planning Enforcement team were made aware of the unauthorised HMO use and required the applicant to submit this retrospective planning application following an investigation into the current use.

5. Consultation Responses and Notification Representations

- 5.1 Following the receipt of the planning application, a publicity exercise in line with department procedures was undertaken, which included notifying adjoining and nearby landowners and erecting a site notice on 29.01.2021. At the time of writing the report **5 representations** have been received from surrounding residents. The following is a summary of the points raised:

- 5.2 ***This is an existing unauthorised HMO use, possibly operating for up to 8 years without permission, or an HMO licence.***

Response

Whilst a breach has occurred, the applicant has a legal right to apply to regularise this unauthorised use under planning law. Formal enforcement action is held in abeyance whilst the current application is considered, in line with the Council's adopted Enforcement Policy. An application for an HMO licence has been submitted. In previous years, not all HMO properties required a licence, which may have been the case for this property.

- 5.3 ***Alleged drug taking and drug dealing.***

Response

Any illegal activities undertaken by current occupiers would be beyond the scope of this planning application and should be reported to the police, to be controlled by separate legislation.

- 5.4 ***Possibly more than 5 occupants and their visitors / partners.***

Response

A condition is recommended to limit the occupation of the property to only 5 persons. Any HMO licence granted would also specify the number of persons that the licence allows. Both a planning condition and an HMO licence can then be enforced by the Council, giving more control over the level of occupancy of the property than there is for the current unauthorised use.

5.5 ***There are already parking issues on Mayflower Road.***

Response

The impact of the proposed use on parking availability is discussed in the planning considerations further below.

5.6 ***Noise nuisance and anti-social behaviour from tenants.***

Response

The Council's Environmental Health team have enforcement powers available outside of the planning system to enforce against statutory noise nuisance. These issues are discussed in the Planning Considerations further below.

5.7 ***Problems with overflowing bins and rubbish left in front garden and resulting rodent problems.***

Response

The Council's Environmental Health team have enforcement powers outside of the planning system to investigate and enforce against issues concerning waste, fly tipping and pest control.

5.8 ***The landlord has neglected the property. Poor management of the property and tenants.***

Response

Whilst there are currently issues with the management of this property, if planning permission is granted, this would provide the Council with greater enforcement powers. A planning condition is recommended to limit the number of occupants of the property and a further planning condition could be applied to require the applicant to submit a management plan for the property. If an HMO licence is granted by the Council's licencing team, then this would provide a further route of enforcement over the number of occupiers and the management of the property.

5.9 ***The local area is already overcrowded and there are too many HMOs.***

Response

The proposal does not introduce any new dwellings to the road, it changes the use of an existing dwelling. There are no other HMO properties recorded within a 40m radius of the application site.

5.10 **Consultation Responses**

Consultee	Comments
Environmental Health	No objection
Highways Development Management	No objection. The use is relatively similar between C3 / C4 use. Request 1 cycle space per bedroom.

	The number of permits the property would be eligible for would be the same whether it was a C3 or C4 HMO use.
--	---

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- The principle of development;
- Design and effect on character;
- Residential amenity;
- Parking highways and transport

Principle of Development

6.2 The permitted development right to change the use of a property from a C3 single dwelling to a C4 small HMO for up to 6 persons was removed by Southampton City Council on 23rd March 2012 when the Council enacted a citywide Article 4 Direction to control the problems associated with high concentrations of HMOs in local communities. Any new HMO uses that have begun since this date require planning permission.

6.3 Policy H4 acknowledges there is a need to maintain the supply of housing whilst balancing this against maintaining a sustainable mix of households within the community. A condition can be applied to allow a flexible use that can flip between a C3 single dwelling and a C4 HMO use, depending on market demands, without requiring planning permission for a period of 10 years. As such, the proposal will continue to provide family accommodation if the market demands this. The proposal would not be contrary to policy CS16 given that the property can be readily converted back into use as a family dwelling with no physical changes necessary.

6.4 Given the above, the principle of development to convert the property into a C4 HMO can be supported subject to an assessment of the planning merits in relation to the relevant policies and guidance.

Design and effect on character

6.5 The internal works to facilitate the change of use do not visually impact on the appearance of the street scene.

6.6 The threshold test set out in section 1.1 of the Council's HMO SPD indicates that the maximum concentration of HMOs should not exceed 10% of the surrounding residential properties within a 40m radius. As this proposed HMO use is the first in the road, the HMO concentration as a result of this application would be only **5% (1 HMO out of 22 eligible residential properties)** which is

well within the 10% maximum limit for the 40m radius survey area. This survey has reviewed the Electoral Register, Planning Register, Licensing Register, and Council Tax records available. Although the Council does not have a complete database on the location of all HMOs in the city, these sources provide the Council's best-known evidence. A copy of the 40m radius map is attached as **Appendix 2** and a list of the properties considered in the calculation is attached as **Appendix 3**.

- 6.7 The strategy of the Council is to support balanced communities by using the 10% maximum threshold to maintain a sustainable mix of residential properties. The character of the local area is predominantly family housing within this suburban street. This would be the first HMO within the 40m radius area, so will retain a strong mix of 95% family homes out of the residential properties in the local neighbourhood.
- 6.8 There is an ongoing need for shared HMO housing in the city. In allowing a recent appeal at 10 Lumsden Avenue (attached as **Appendix 4**), the Planning Inspector concluded 'it seems on the balance of probabilities that the conversion would have little impact on the prevailing character hereabouts' (paragraph 14 refers), and 'no evidence that one conversion would have a significant or detrimental effect on this character' (paragraph 12 refers).
- 6.9 Given the above, and considering the generally busy, urban character of the local area, being just off Shirley High Street, right at the edge of Shirley Town Centre primary shopping area, the proposal for a 5 bed C4 small HMO use is not considered to materially change the character of the area.

Residential amenity

- 6.10 There are no new side-facing windows proposed, nor any external alterations to the existing building, so the proposal does not raise concerns for creating overbearing, overshadowing or overlooking impacts for neighbouring residents.
- 6.11 It is noted that there are objections from neighbouring residents regarding the existing HMO use, and in particular the activities of the current occupiers and the way the property is managed by the current landlord. Whilst this planning application can assess the general impact of a proposed HMO use, including the impact on residential amenity, the specific current issues of noise, waste, alleged drug use and safe management of the property are outside the scope of this application, as they are enforced by other agencies, such as Licencing and the Police.
- 6.12 In general, whilst there are concerns specifically for the current tenants and the way the property is managed by the current landlord, the comings and goings generally associated with a 5 bedroom C4 small HMO use are not considered to be significantly harmful to neighbouring amenity, given the busy, urban character of this local area at the edge of Shirley Town Centre primary shopping area. The impact of the proposed HMO use can also be controlled further via planning conditions, such as restricting the number of occupiers.

- 6.13 The nature and intensity of the proposed HMO use is not considered to significantly harm the residential amenities of the neighbouring occupiers. In allowing the above-mentioned appeal at 10 Lumsden Avenue (**Appendix 4**), the Planning Inspector concluded overall that the introduction of a HMO would not adversely affect the amenity of the neighbouring residents (paragraph 14 refers). There are further safeguards because a HMO licence would be required (Shirley ward is covered by the second additional licensing scheme) and, therefore, the management and standards of the property would be monitored by other teams in the Council. The Council has powers to serve a noise abatement notice where it considers that any noise nuisance caused by the residents is deemed as statutory noise nuisance. This in itself is not however a reason to withhold planning permission.
- 6.14 As shown in the table in paragraph 2.2, the proposal provides a good quality living environment for current and future occupiers of the property. All habitable rooms have good access to light and outlook. There are communal spaces available with a good-sized Kitchen and separate Living Room, which exceed minimum standards. There is a modest sized garden with space for sitting out, hanging washing, and for secure cycle storage.

Parking highways and transport

- 6.15 The Council's parking standards within the HMO SPD limit parking to a maximum of 2 parking spaces for a 5 bedroom HMO in this high accessibility location. This is the same as would be required for a C3 single dwelling with 4 or more bedrooms. Parking can be provided by way of either on-street or off-street parking spaces. Both policies SDP5 and CS19 seek to encourage residents to use alternative, more sustainable modes of transport and discourage reliance on cars.
- 6.16 No parking is available on the application site, but this is the same situation for the majority of properties along Mayflower Road, with only 2 properties benefitting from off-road parking spaces. Whilst no parking survey has been submitted, we note that there is existing demand for on-street parking. Given the highly sustainable location in terms of accessibility to public transport and local shops and amenities in Shirley town centre, however, the potential impact from additional parking demand on nearby streets would be adequately controlled by existing parking controls on the majority of local streets within a 200m radius in this part of Shirley. The property would be entitled to the same number of parking permits regardless of whether it is in use as a C3 dwelling or C4 HMO.
- 6.17 The Highways Development Management officer has no objections to the proposal and has confirmed that a C4 HMO use would be entitled to 2 residents' parking permits, which is the same as if it were a C3 single dwelling. This is material to this recommendation.
- 6.18 There is space to accommodate secure and covered cycle storage within the rear garden, of sufficient size to provide 5 cycles spaces, 1 per bedroom,

meeting the design guidance given in the Parking Standards SPD. Further details of the size, layout and appearance of this structure can be secured by condition.

- 6.19 Bin storage is proposed in the same position as existing, within the front paved garden, which is the same situation for the majority of properties along Mayflower Road. Details of a covered bin storage structure can be secured via a condition.

7. Summary

- 7.1 In summary, the retention of the existing HMO use, with the conditions proposed, is not considered to significantly harm the character and amenity of the area, or highway safety. The comings and goings associated with an HMO use, including traffic and parking demand generated, are not considered to be detrimental to the amenity and safety of the residents living in the area. Furthermore, retention of the existing HMO use would not imbalance the mix of households locally, as 95% of properties within the 40m radius would remain as family homes. An HMO use would contribute positively towards the availability of smaller lower cost and flexible accommodation to benefit lower income and transient households within the local community.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (d) 4.(f) (qq) (vv) 6. (a) (b)

AC for 22.06.2021 PROW Panel

PLANNING CONDITIONS to include:

01. Retention of communal spaces (Performance)

The rooms labelled Kitchen and Living Room shown on the plans hereby approved shall be retained for communal purposes only and shall be made available to all occupiers at all times for the duration of the approved C4 HMO use.

Reason: To ensure that suitable communal facilities are provided for the residents.

02. C3/C4 dual use (Performance)

The dual C3 (dwellinghouse) and/or C4 (House in multiple occupation) use hereby permitted shall be for a limited period of 10 years only from the date of this Decision Notice (under Class V, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015). The use that is in operation on the tenth anniversary of this Decision Notice shall thereafter

remain as the permitted use of the property.

Reason: In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

Note to applicant: Whilst this planning permission allows occupation of the building as both a single dwelling and by a shared group, you are advised that an HMO that is licensed needs to have that license revoked before the building can lawfully be occupied again as a single dwelling.

03. Cycle storage facilities (Pre-Occupation)

Within 2 months of the date of this decision notice, secure and covered storage for 5 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 2 months of approval and thereafter retained as approved.

Reason: To encourage cycling as an alternative form of transport.

04. Refuse & Recycling (Pre-Occupation)

Within 2 months of the date of the decision notice, details of an enclosure for the storage of refuse and recycling shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 1 month of approval and thereafter retained as approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside the storage approved.

Reason: In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

05. Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

POLICY CONTEXT

Core Strategy – (as amended 2015)

CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H4	Houses in Multiple Occupation
H7	The Residential Environment

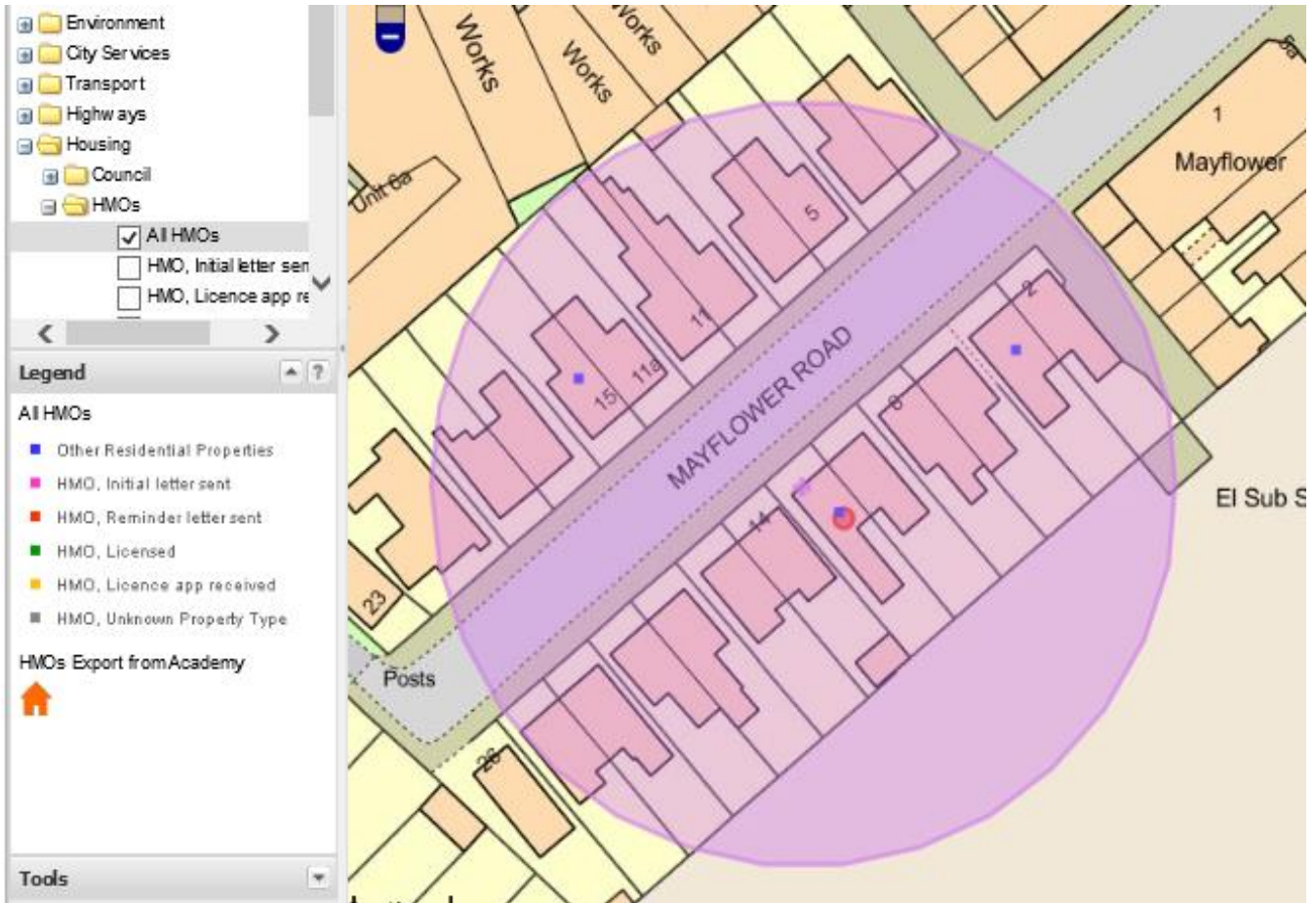
Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Houses in Multiple Occupation SPD (Adopted - May 2016)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (Revised 2019)

40m Radius Map



HMO property checklist

		Property type	Planning history / notes	C3 / C4	Counted at Step 2?	Council Tax	HMO licencing
Mayflower Road (Evens)	2	Flats	2x 2 bed flats - 882393/W	C3	No	--	---
	4	Semi-detached		C3	Yes	--	Single dwelling
	6	Semi-detached		C3	Yes	--	---
	8	Semi-detached		C3	Yes	--	---
	10	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	12	Semi-detached	3 bed - (Rightmove) - Application site	C3	Yes	--	Single dwelling
	14	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	16	Semi-detached		C3	Yes	--	---
	18	Semi-detached		C3	Yes	--	---
	20	Semi-detached		C3	Yes	--	---
	22	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	24	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
Mayflower Road (Odds)	1	Semi-detached		C3	Yes	--	---
	3	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	5	Semi-detached		C3	Yes	--	---
	7	Semi-detached		C3	Yes	--	---
	9	Semi-detached		C3	Yes	--	---
	11	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	11a	Semi-detached		C3	Yes	--	---
	15	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	Single dwelling
	17	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	19	Semi-detached	3 bed - (Rightmove)	C3	Yes	--	---
	21	Detached		C3	Yes	--	---
				0	22		
Existing:	0 / 22 properties	0% existing HMOs		0.00%			
Proposed:	1 / 22 properties	5% proposed HMOs		4.50%			



Appeal Decision

Site visit made on 2 June 2015

by Sukie Tamplin Dip TP Pg Dip Arch Cons IHBC MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18/06/2015

Appeal Ref: APP/D1780/W/15/3005204
10 Lumsden Avenue, Southampton SO15 5EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Helen Smith against the decision of Southampton City Council.
 - The application Ref 14/01238/FUL/34228, dated 23 July 2014, was refused by notice dated 25 September 2014.
 - The development proposed is conversion of a 5 bedroom, three storey, semi-detached house into a house of multiple occupancy for up to 5 people (C3 to C4). The property is currently occupied by our daughter, a student at the University of Southampton. We are seeking the change of use to enable her to share it with other students, who will form a single joint tenancy.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use from a C3 dwelling house to a 5-bed house in multiple occupation (HMO, class C4) at 10 Lumsden Avenue, Southampton SO15 5EL in accordance with the terms of the application, Ref 14/01238/FUL/34228, dated 23 July 2014, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: (Location plan, ground floor plan, first floor plan, third (sic) floor plan (attic bedrooms)).
 - 3) The C4 HMO use hereby approved shall not be occupied by more than 5 residents at any one time. Those rooms identified on the ground floor plan as 'Sitting Room', 'Dining Area' and 'Kitchen' shall be made available for all residents on a communal basis and not used as additional sleeping accommodation to serve the HMO use.
 - 4) Prior to the first occupation of the site as a C4 dwelling, details of cycle storage facilities to conform to the Local Planning Authority standard of one space per resident shall be provided and agreed in writing by the Local Planning Authority. Such parking and storage shall thereafter be permanently maintained for that purpose. For the avoidance of doubt this means that 5 secure, lockable cycle parking spaces shall be provided on site.
 - 5) Before the use commences details and a plan of the facilities to be provided for the storage, removal and recycling of refuse from the

premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall provide for a level approach and be permanently maintained and retained for that purpose. No refuse shall be stored on the public footpath or highway, except on collection days only, and shall be stored in accordance with the details to be approved.

Procedural matters

2. The proposal is described on the application form as set out in the preamble to the Decision. However it is described on the appeal form as "change of use from a C3 dwelling house to a 5-bed house in multiple occupation (HMO, class C4)". This is also the description on the Council's decision notice. Because planning permission goes with the land/building and contractual tenancy details are not relevant to the matters before me, I shall use this latter description in my determination of the appeal.
3. Southampton City Council have made a City-wide Article 4 (1) Direction requiring changes of use from Class C3 (dwelling houses) to Class C4 (Houses in Multiple Occupation (HMO)) to obtain planning permission. Any such proposals are assessed in accordance with the criteria in the *Houses in Multiple Occupation Supplementary Planning Document 2012 (SPD)*.
4. I have taken note of the *Southampton City Core Strategy Partial Review (CSPR)*, the *City Centre Action Plan (CCAP)* and the *Local Plan Review (LPR)* which were adopted in March 2015. However the amendments therein do not appear to supersede or alter the policies or any part of policies relevant to this appeal.

Main issue

5. The main issue in this appeal is the effect of the proposed change of use to an HMO on the character and amenity of the area, including parking demand, by reason of the level of use of the property.

Reasons

6. Lumsden Avenue is a broad street of spacious houses located to the north of Shirley Road, a busy shopping street that links the city centre with the town centre of Shirley. Most of the houses are semi-detached and set back behind forecourts or front gardens. Many, if not most of the houses have off-street parking, and the availability of on-street parking spaces is relatively limited. The street appears to be characterised by family housing but, because of its proximity to Shirley Road, it also appears to be used for commuter and shopper parking and the associated activity adds to its vibrancy.
7. Southampton is said to have a very high demand for HMO's to meet the needs of a large population of single people, including students, those on lower incomes, and young people. The Council's objectives appear to be to seek to ensure that these needs are met without unbalancing the housing mix. Thus, in out-of-city centres locations such as Shirley (Freemantle ward) the strategy is to ensure that a threshold of not more than 20% HMO's in any 40m radius is not breached. The Council acknowledge that the information about the numbers of HMOs is inconclusive but official records suggest that there is only one in the area relevant to this appeal. I see no reason to disagree that there is probably a very low number of HMOs in the surrounding area because there

were no obvious signs that the housing is intensively occupied. Accordingly permission would result in the percentage of HMOs rising to about 10% in the relevant 40m radius around the appeal site, well below the threshold of 20%.

8. But LPR Saved Policy H4 says that permission for conversion to an HMO will only be granted where a) it would not be detrimental to the amenities of nearby residents; b) it would not be detrimental to the overall character and amenity of the area and c) adequate amenity space is provided. In terms of the latter, there is no dispute that adequate amenity space is provided.

a) Parking

9. In respect of the criterion a) it is suggested that there is parking stress and that the HMO use would result in significant extra traffic generation. I agree that there is a possibility that 5 separate occupiers could each own a car and that this is likely to be greater than the car ownership associated with most large family homes. Only three cars could be accommodated within the site so there could be some additional parking demand. Nevertheless the Highway Authority does not object to the application though requested a parking survey, but that submitted by the appellant is disputed by residents. At the time of my visit there was some on-street availability, although the number of possible parking space has been reduced because residents park on their forecourts with and without a dropped kerb. It is unclear if the appellant's and the residents' parking assessments include both authorised and unauthorised off-street parking and in such circumstances I find the parking information inconclusive.
10. On the balance of probabilities it seems to me unlikely that the HMO would generate a need for 5 parking spaces because the site is close to a very high frequency bus route and within easy walking distance of a wide variety of shops and entertainment facilities. Moreover HMOs tend to be occupied by residents on lower incomes who would be less likely to own cars, particularly in this highly accessible location. Accordingly, I consider the proposal would be unlikely to cause parking stress in Lumsden Avenue and this weighs in favour of permission.

b) Character and amenity

11. In terms of criterion b), the concerns appear to be that the life style of future occupants and the greater intensity of occupation would lead to a reduction in the quality of the area. This tension is recognised by the Council in the SPD, but this also says that environmental problems, including poor refuse management, noise and anti social behaviour, high property turnover, neglected gardens and a lack of maintenance, are issues that tend to be exacerbated where there is a high concentration of HMOs. That would not be the case here.
12. I have no reason to doubt residents who say that the road is primarily occupied by families and this is demonstrated by the community spirit and events such as the street party. But there is no evidence that one conversion would have a significant or detrimental effect on this character. The area would continue to be mainly family housing and it is unlikely that anti-social activity would be tolerated. Moreover, although the housing in Lumsden Avenue and within the 40m radius appears to be generally in good or very good physical condition,

some of these environmental 'issues' are already part of the character of the housing hereabouts and are not exclusive to or as a result of HMO use.

13. I agree that the life style of residents of HMOs may be different to the daily pattern typical of 'family housing' but this must be balanced against the need for lower cost and flexible accommodation. Similarly, occupants of HMOs are likely to be transient, but this is probably also true of occupiers of other tenures such as the short-term letting of large houses such as No 10.
14. The strategy of the Council is to support balanced communities and a sustainable mix of residential accommodation. In this case, if permission were to be granted, up to 90% of the housing within the 40m radius would remain as family housing and it seems on the balance of probabilities that the conversion would have little impact on the prevailing character hereabouts. Moreover, because the premises are 3 storey there are further safeguards because a HMO licence would be mandatory and thus the management and standards of the property would be monitored by the Council. Accordingly, I conclude that permission for use as an HMO in these circumstances is not likely to cause serious harm to the amenity of residents in Lumsden Avenue and this too weighs in favour of permission.

Other considerations and findings on the main issue

15. A number of appeal decisions are relied upon to support the refusal but I have scant details of the circumstances and from what I have seen, the locations are not comparable. From my reading of the appeal decisions, most if not all appear to be concerned with proposals in suburban (or outer suburban) locations in Southampton and thus the character would be different. Neither does it appear that those appeals relate to 3 storey buildings and thus they would not be subject to mandatory licensing. Whilst Lumsden Avenue is very pleasant it is not tranquil as is the case with some of the cases brought to my attention. Moreover it is very accessible and well served by public transport, so that there is less need for car use. Accordingly I give only limited weight to these other decisions.
16. I understand the concerns of local residents but there is a need to ensure that communities are balanced and that the housing needs of the city are met. Moreover on the balance of probabilities it seems to me unlikely that the future occupants would undermine the character and amenity of this housing area. Accordingly I find that the proposed conversion of the property to an HMO would not result in unacceptable or adverse effects on the character and appearance of the area. Hence it would be in accordance with the strategic aims of CSPR Policy CS 16 which supports meeting housing needs, sustainable mixed communities and balancing the contribution of HMOs against potential harm.
17. Similarly the proposals would meet the requirements of LPR Policies SDP 1 and H4 and the SPD which all seek to ensure that providing for lower cost and flexible housing does not harm the amenity of residential areas and occupiers. In any event the C4 use could revert without planning permission to a C3 dwelling house and thus permission would not prevent this use in the future. The National Planning Policy Framework (the Framework) also says that planning should provide for the identified housing needs in their area.
18. Consequently my findings on the main issue weigh in favour of permission.

Conclusion and conditions

19. For the reasons I have given the appeal is allowed subject to conditions. In addition to the standard commencement condition it is necessary, for the avoidance of doubt, to list the approved plans. Conditions are also necessary to ensure that secure cycle storage is provided; this is in the interests of encouraging alternative forms of transport and reducing car use. Finally, in order to secure a high standard of amenity, controls are necessary to ensure that the number of occupants is capped and that there is provision for refuse storage.
20. But I do not agree that a condition which allows the 'flipping of use' between C4 and C3 is necessary. The GPDO¹ grants rights, which do not appear to have been altered by the Art 4 (1) Direction permitting a C4 HMO use to change to a C3 single family dwelling. Moreover permission has been granted because the circumstances that now prevail in Lumsden Road are such that HMOs form a small proportion of the housing stock in the relevant area. That situation could change and thus, in the event that the property reverts to a C3 use, the circumstances should be re-evaluated if a further period of C4 use is sought.

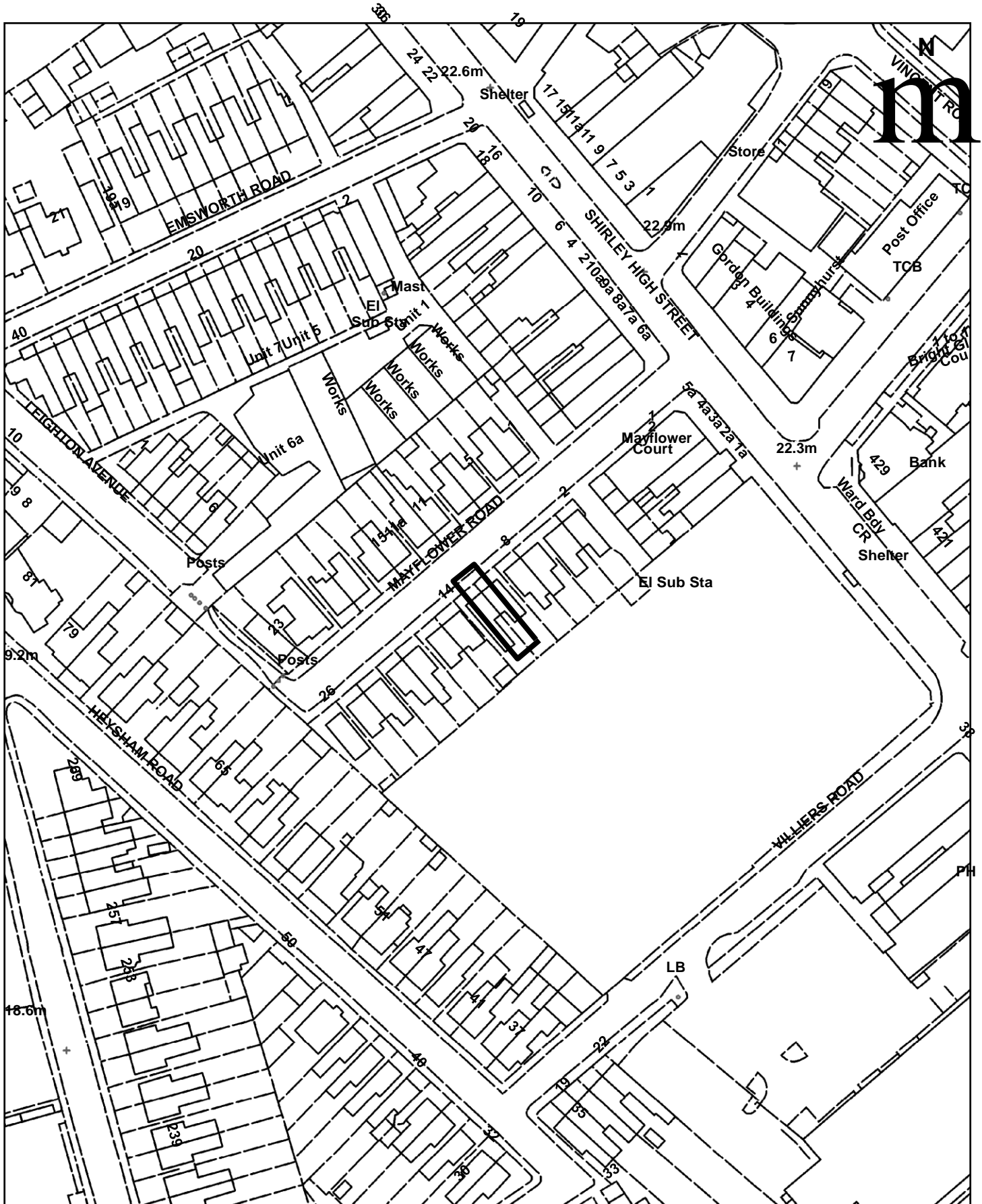
Sukie Tamplin

INSPECTOR

¹ Town and Country Planning (General Permitted Development)(England) Order 2015 Part 3, class L

Agenda Item 10

20/01548/FUL



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